



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

CR TX

Storage
US 986 MAS
The crime problem; what to do about
HARVARD LAW LIBRARY AQJ0517



3 2044 032 134 215

the Problem

What to Do About It

How to Do It

—MASTEN



HARVARD LAW LIBRARY

GIFT OF

NATIONAL ASSOCIATION OF MANUFACTURERS

Received **June 5, 1943**



The Crime Problem ^{CF}

***What to Do About It
How to Do It***

BY

COL. VINCENT MYRON MASTEN

Military Instructor at the
New York State Reformatory
Elmira, N. Y.

*A man's a man for a' that
and a' that.—Burns*

8 STAR-GAZETTE CO.
Elmira, N. Y.

S
115
CR
MAS

*To JUDGE THOMAS RAINES
Rochester, N. Y.*

*who labored so long, earnestly and effectually
to let sunlight into the lives of
sin-impelled lads
this volume is dedicated*

*Copyright 1908.
Vincent Myron Masten*

Foreword

In America fatal violence against the person by burglars, thieves and highwaymen, has increased steadily, year after year, out of all proportion to increase of population. This, during periods of alleged prosperity, and while we have been on friendly terms with all nations.

Is it not time, therefore, to take up considerable of optimistic slack, as well as to ascertain **WHITHER WE DRIFT?**

Against attempt to soften with excuses for the past, or to cajole with promises for the future, is registered in indelible red, a shameful, while ominous record of but yesterday.

We judge murder to be the prime factor of criminal statistics because, beyond any other act, it represents the supremest contempt for the laws of man, while singularly challenging the wrath of God.

Other examples of perverted passion more revolting and fully as brutal, too frequently give the lie to boasted social progression; but, in time

550893

375

Digitized by Google

6/5/43 National Assn. Manufacturers

of peace, none other carries the same legal consequence of punishment that is visited upon the individual found guilty of taking lawful human life. Hence, murder is the final analysis of ill-ordered social conditions. It is, as it were, the barometer of the social atmosphere.

Apparently, therefore, there are being woven into the fabrics of our national character, threads of dissolution neither elastic nor ephemeral; for, above every other anti-social manifestation to which the human gives expression, crime by violence is the most tenacious and unyielding.

Concerning the causes of, and remedies for the present crime carnival in America, including homicidal high pressure, we may easily employ loose or dogmatic statement.

If there is such a thing as a "Law of Gravitation" governing the fall of man, we shall not unfold it through doing wordy battle in the clouds, over comparatively irrelevant theories.

So far as more or less emphasized TENDENCIES of given individuals to pursue a given line of thought and action are concerned, blood tells appreciably, conformation somewhat, perhaps; yet, must we keep in mind that the hatters' conformator and the anthropometrists' instru-

ments are no respecters of persons, and that the best of blood yields in quality and amount to a sustained course of animalism.

The head of the habitual, instinctive thief measures to the scale of that of the captain of industry, and the brain of the clear headed, far-sighted statesman but little more than balances in weight that of the microcephalic idiot.

Theoretically analyzing the etiology and persistency of criminousness in the individual, we reach qualitative rather than quantitative conclusions. Such and like calculation is good and necessary by way of pointing us to method, but it does not grapple with and fight the question of crime down to earth where it belongs. Nothing short of Newtonian approach and attack comprehends a problem cosmic in scope and influence.

Consistent and persistent increase of crime to the total population of any nation, means nothing less than that the longevity of that nation is menaced. We face very close to this condition and all signs seem to indicate that we will do well to cease theory juggling, sharpen our social and institutional knives, and get down to practical battle with the crime octopus. So engaged, we shall find enemies and offend friends of common-

weal. All the way to results we shall find crime, like falling apples, moving over lines of least resistance, attracted from a higher and impelled to a lower level. We shall note, also, that whereas apples fall because of influence of weight, men fall chiefly through weight of influence. This, spite of supposedly good, and not necessarily because of crime-tainted blood, and nearly always in the order simple to complex.

It is safe to assert that we have vastly over-rated the number of instinctive criminals, and vastly underrated the number of those insinuated into careers of vice and crime through vicious association, environment and example, false home training, and pressure exerted by commercial and industrial conditions which exact more and more of brain, and less and less of brawn. Be this as it may, in order to cope successfully with crime and crime motive, we must relegate technical and hypothetical trimmings to their proper, secondary domain, and direct our efforts to the solution of problems at once comparatively simple, while surely vital in their bearings upon our individual and national well-being.

In so far as we may parcel and make grand division of crime-breeding influences at present

inherent in American society, we should say that they are to be classed as follows:

- (1) Sociological.
- (2) Judicial.
- (3) Institutional.

As to the first, consider just for one thing, the enormous influx during recent years of aliens mainly of the lower and lowest grades. Then realize that always, for the whole body of immigrants, one of the chief dangers consists in that which we do NOT know, and do not make serious attempt to know, of their former life and probable proclivities.

As to the second, we have but to realize that about one out of every sixty perpetrators of homicidal crime, suffers the extreme legal penalty attaching to such crimes, to understand that our mode of criminal procedure is degenerating into a maze of technical, quibbling pettifoggery. Criminal law that effects but one full conviction of the spilling of human blood to the sixty indictments, places a premium on all kinds of violence and chicanery. Furthermore, such ratio of conviction makes inevitable the deduction that, as between the murdered dead and the living murderers, the scales of justice are loaded in favor of

the former somewhat in the ratio of sixty to one. It is well to protect the life interests even of accused murderers comprising little more than one ten-thousandth of our continental population; but it is folly, begging comparison, to do so in such manner as to jeopard the peace and security of the remaining millions.

The first duty of a nation that elects to endure and progress, is to safe-guard the persons and rights of its law-abiding and overwhelming majority. Failing in that duty, it courts and will surely know disaster.

The germ of homicidal crime lurks in every blow aimed at statutory law.

As to number three, it is to be particularly remarked that, in our laudable desire to eliminate, in so far as humanely possible, forms of coercion as auxiliary means to formation and reformation of character, we have overstepped lines that demarcate false and true means, rational and irrational methods.

Our prison history is a tale of extremes, in which we find the too severely practical and forceful, and too generously idealic and sentimental, struggling for supremacy in a fundamentally ill-organized system.

Not one studious penologist in the land can be induced to place the stamp of approval upon the manner in which we sentence, classify, detain, and institutionally educate and train law breakers. Such facts may carry indifferent significance to the minds of over zealous philanthropists who, in fatal error, misguide broad sympathies and misdirect altruistic purpose, while they pound on the sentimental to the exclusion of other and more vital sides of the reform question.

Nevertheless, rational solution of the institutional factors of the crime problem, will have expression in processes of intellection trained to accord them catholic consideration. So asserting, we do not mean to be misunderstood as holding that serviceable study and observation of crime and the criminal are reserved for practical criminologists. We do aver that less weight will attach to the opinions and efforts of those who do little more than skim the surfaces of the social and institutional sides of crime, and that more serious consideration will be accorded measures proposed by those who make consecrated study and observation of the successive stages of both offence and offender; this, regardless of personal predilections, and amenable to the force of cum-

ulative facts, as opposed to divers, contradictory theories.

The crime question is an intensely practical one. It has little to do with misdirected philanthropy, and less with sentimental, iridescent dreams.

To really know a man, you have to break more or less bread with him. Particularly is this true of certain criminal men, who are habitually secretive, as well as self-seeking, truth-cheating egotists.

There is no such comprehensive thing as long distance reform effort, either in or out of prison, social or institutional. One whiff of the stench of a hovel will convey more meaning to the mind through inflated nostrils, than will reams of written description. Just so is differentiated book and contact knowledge of crime and criminals.

Added to minute knowledge of the human anatomy and indifferent surgical skill, plenty of general practitioners are precisely informed as to the theories governing surgical practice, yet do not touch the knife other than for simple, standard operations. Why? The answer is so obvious,

that to give it would beg the intelligence of the reader.

Contra-distinguished to the rational and only safe course of men who make a life study of physical ills, a certain cult have labored during recent years to attach to reform machinery, always delicately adjusted, unnatural and impracticable cogs of exaggerated, or false sentiment, varying in degree and kind, and bounded only by the most intense idiosyncrasy.

So termed "pruning knives of advanced method" have been placed in the hands of prison workers by those in unquestionable authority, yet questionably informed as to the laws governing the nature, cardinal needs, shifting moods and susceptibilities of prisoners of all grades and ages. Penologists have perforce employed the weapons supplied, or chosen the final alternative.

The result of it all is that our reform schools and prisons represent nearly as many systems as they number. It goes without saying that all cannot be right, and not one, of which we have knowledge, is fully adjusted to the needs of the hour.

The average American is generous, sympathetic and expansive, which admirable qualities of head and heart have their positive uses in the

reclamation of sin-selecting and sin-driven men and boys; but, in reform effort particularly, we will wisely maintain, clearly defined, the fact that false clemency may and does induce the chiefest of crime breeding influences, namely: CONTEMPT OF AUTHORITY.

Kindliness, all around, studied kindliness, is one of the essentials of any wisely ordered prison plan; whereas mere emotional impulse, or sort of good-hearted patronage, may be made to work reversal of laws regulating social and institutional solidarity.

In the following pages, we specify a prison system of balance; one which does not unduly emphasize any factor of a prison regime.

V. M. M.

Elmira, N. Y., March 29th, 1909.

THE CRIME PROBLEM

Preparatory Considerations.

CHAPTER I.

In assembling the modest lines of this little book, the writer does not essay a scientific treatise on criminology; indeed, at this time, and upon this subject, we may not theorize in words of unsailable authority.

Theorists are commonly more enthusiastic than dependable in their conclusions relating to crime, including its genesis, while the average empiricist is liable to cultivate contempt for just that theoretical grasp of the etiology of crime, of which he is most in need.

Of necessity, earnest human clay modelers study the technical aspect of crime, since approved character building results demand relatively exact knowledge of the mental, moral and physical attributes of prisoners.

Hence, nothing in reform effort fails like failure to mark from cradle to reformatory, the reasons for a prisoner being what he was and is, and

doing what he did and does. We trace charts of the graveyards of remote centuries, before arriving at the spot that contained the human clay from which were transmitted traits of character still bidding for predominance.

Tremendous is this law of hereditary transmission. Greater than Herculean the task to successfully combat its influence; for, while Hercules finally forced into a grave of oblivion the Lerna Worm of pollution and evil, earth has not depth sufficient to imprison the oblique thoughts and actions of our ancestors.

Good or bad, for weal or woe, the mental and physical HABITS of individuals of generations far removed, still cry out of the ground for recognition in their brothers' blood.

Those supposedly best informed, tell us that abnormal traits of character tend to persist and govern for something like five generations; after which, they entirely disappear, or are negative in effect. This conclusion awaits unquestionable verification, which would necessarily involve consecutive centuries of like and exact comparison. It is near enough to the truth for practical purposes. A year or two, or a hundred or two years, one way or the other, does not signify.

We are in possession of and concerned about the truth that heredity, or transmitted habit, when on the debit side of the account of the character of a boy, will prove his ruin, unless at an early date he forms the counteracting habit of arresting the tendencies born at his birth, which constantly impel him to anti-social expression.

Self-arrest may seem very simple and very easy to those fortunate enough to inherit the cardinal virtues. It is probable, on the contrary, that none other than those predestined to carry through life instinctively criminous tendencies, can appreciate either the tenacity or the burden of them.

Consideration of weaklings for the present aside, we know in a crude and too often unsympathetic way, that the essential difference between so-called normal and abnormal man, is the difference between him who does, and him who does not habitually exert the power of inhibition. We do not always allow for, if we understand the fact, that even comparatively perfect self-control is never less than a rare gift, and that natural expression of it entitles its possessor to relatively the same credit, as should attach blame for anti-social thought and demeanor, to mortals ushered

into the world with oblique instincts and minimum amount of self-governing power.

It is safe to aver that thousands of instinctively criminal men the world over are making more heroic efforts to wade out of inherited vice, than are thousands of others to retain inherited virtue. It is not a supreme stretch of the imagination to assume that cultivation in the first instance of very little virtue may come much closer to pleasing Almighty God than cultivation in the second of very little vice.

In so far as study, experience and observation have thus far guided us, we are convinced that wrong of any kind righted, has its root in working acknowledgement of the fact that right and wrong, vice and virtue, are relative terms.

Whether or no we hold with Lacassagne that "every community has the criminals it deserves", we can safely assert that responsibility for criminal action is seldom purely subjective; that in positive ratio, it is divided between society and the offender, and that the former has been, as a rule, either oblivious of, or indifferent to its share. We read in Dugdale, for instance, that in 75 years "The Jukes Family" produced ninety murderers and something like 350 prostitutes and

thieves, beginning with "Margaret, the Mother of Criminals", and Ada's illegitimate son, who was the progenitor of the instinctively criminal branch.

Such statistics appeal to our sense of magnitude, and offer opportunity for interesting biological analysis; but sociologically they are comparatively sterile, since they do not include a multitude of political, economic, social, and hygienic facts, directly and indirectly accessory to a grand total of passion, pollution and depravity.

Dugdale, in "The Jukes Family", did not claim to offer anything more tangible than "tentative suggestion"; but we believe that this singularly gifted man was fundamentally right when he implied that the society or community that permits, if it does not encourage human weeds thus to spring up, thrive and multiply, has proper regard for neither of its distinct and composite parts; for neither the good of its good, nor the bad of its bad members.

To our way of thinking, Dugdale's studies in social science, admirable in every respect, yielded nothing more germane to 20th century criminal culture, than the closing paragraph of the preface to his 1877 edition: "I am informed that

\$28,000 was raised in two days to purchase a rare collection of antique jewelry and bronzes recently discovered in clastic ground forty feet below the debris. I do not hear of as many pence being offered to fathom the debris of our civilization, however rich the yield. I do not complain that men of wealth expend their means as they prefer, but it seems not captious that I should wish crime and pauperism were as rare as the exhumed treasurer, that they might arouse equal zeal for deep research. There is perhaps yet hope for these subjects to a claim to far greater antiquity, inasmuch as they reach back to times immemorial which assuredly antedates the bronzes." It is, as ever true, that the great mass is kept submerged, in order to gratify the so-called "cultivated tastes" of the few for the mainly useless, if not harmful luxuries of life. It is of little moment that we annually lower thousands into the graves of the pauper or criminal, if only we shall continue to exhume mummies.

We note further the affinity of certain physical exaggerations and acute or morbid mental manifestations, and their probable relation as inciting causes to criminal conduct. In the study of

abnormal men, consideration of physical and psychical parallels is as commendable as necessary; but in the broad, national sense, the analysis is complete only when all contributing factors are assigned their proper place and influence in a chain of causes including the original sociological link, that thousands of skilled and unskilled unemployed are pacing the streets of our chiefest cities, while an average something like 75,000 mainly unskilled laborers, springing for the most part from the lower and lowest stratas of society, pour monthly into the one port of New York. The condition is aggravated at the present moment because of unusual labor agitation, but we always have with us untold thousands of idle hands and brains, a certain percentage of which must, by the very sequence of events, find employment in "The workshop of the devil."

There never has been a time since the birth of American freedom, when criminality in America has been less than a complex social science study; nor when the social factor has been less than the main contributing one of a criminal product, now of ominous and increasing proportions.

Our chief error in dealing with the crime question has consisted in assigning undue promi-

nence to the technical and relatively unimportant, while giving indifferent attention to the practical and sociological aspects of crime. Cranial symmetry or asymmetry in a given instance might, or might not mean anything, whereas moral culture and industrial habit would, in all probability, govern.

We have flippantly rejected the best and worst lessons afforded from time immemorial by the experiences of men and nations, and still persist in placing the complex cart of cure before the relatively simple horse of prevention. In this falsely appointed rig, we are fast approaching the rugged fork of national disaster.

We will do well to get back to first principles; to understand first of all that the life of a nation depends upon the quality of its men and women, and not upon their numbers. All kinds of statistics seem to demonstrate that the immigration question is the vital one before the American people. Criminal statistics particularly emphasize this view, and cry out against the present rate and method of adopting aliens, a large percentage of whom are not fitted for, not adjustable to, not in sympathy with endeavor under our institutions.

CHAPTER II.

Immigration—Its Direct and Indirect Contribution to Criminality.

Rough hew the proposition how we will, it remains substantially true that, in character, a country is no better than its alleged best, and as bad as its worst citizens. In order to strike a favorable mean, we may distinguish between foreign and native born, but it will not avail. Once adopted by the national family, a citizen is in full possession of all the perquisites the term carries, be he black or white, black or white hearted, adjustable or non-adjustible to our national customs and institutions.

We elect that Spartan proscription was a crimson offence against mercy and a stench in the nostrils of kinship. Also, that the Greek division of her people into "worthy and worthless, good or good-for-nothing", contained the germ of an exaggerated egoism which, perhaps next to inter-

necine strife, restricted what should have resulted in natural and healthy expansion of Hellenic influence. Although far too severe and without question short sighted, the moral power exerted by the obsolete shibboleth quoted, went far to produce a most virtuous race; a consummation realized without hope of earthly reward other than consciousness of duty well and faithfully performed, and with no conception of a future state, beyond that implied in vague, intricate, mythological parallels. Withal, there was no mistaking the Greek code of morals. The harvest of virtue was virtue, and the Nemesis of vice was vice. This was not and is not to be accomplished through religious societies having opposed codes of ethics and morality; nor is it to be the result of interminable legal prescriptions and restrictions doubtfully elastic, adjustable to locality, and, it is said, sometimes subject to notorious and noteworthy powers, neither expressed nor implied in the Constitution. It certainly will not come about through the operation of a penal system that persists in dealing with ripe effects rather than with the chain of causes leading up to them, while punishing the crime and criminal, instead of preventing the one and restricting the other. It was in

Grecian days of old, and it is to be, if at all, in American days to come, the yield of an enlightened and carefully guarded national conscience, which shall make it plain to every man, woman and child in the land, that national prosperity in the true and lasting sense consists not, in dollars per capita, but in virtue per capita; that the kind of success that must on bended knee approach conscience, is, like the Apple of Askahar, never less than half bitter, and that compromise with evil decreases resistance to it in constantly increasing degree.

So, with the immigration evil. Opposed to our highest good and to that of a very positive percentage of a certain class of foreigners, we have received and sought, and are receiving and seek to assimilate individuals instinctively at war with American ideals of racial integrity, progression and solidarity, and nearly, if not quite, non-adjustible to the exacting commercial and industrial conditions with which, in ever increasing complexity, we shall have to deal.

Added to generous difficulties of our own, we assume cosmic responsibility when we swing wide open our gates of ingress to the world's indigent and unskilled, at a time when labor is battling

with labor for place and portion, and the result an immense standing army of enforced idlers.

In the face of plain premonitory symptoms of destructive labor agitation, we continue to pursue the suicidal policy of piling upon this already top heavy load, the criminal, indolent and sexually perverted spawn of the universe. Then, in becoming paternal simplicity, we ask why it is that in many of our great cities vice out-votes virtue, and that the biographical registers of reformatories show an alarmingly increasing percentage of foreign-born inmates? As if this were not enough, we must needs by word and deed, example and suggestion, encourage all sorts of license, and thus afford these human weaklings, or tigers, the last formulae for their dangerous or depraved instincts.

We expand about the majesty and protection of the law. We extol those American lives sacrificed to the principle of individual liberty under the law, yet have already arrived at the stage where it is the palpable tendency to compromise with the red hand of anarchy. Hardly a big city in the land but has had its recent taste of mob violence, with accompanying injury to person and destruction of property. At times, and in places,

life has been too good and death not bad enough for law-abiding citizens, whose sole offence has consisted in the attempt to earn honest livings in accordance with their best convictions and in response to their urgent needs. Such men have been done to death or maimed for life in the open and under God's sunlight, and the majority of human hyenas who thus sow seeds of national dissolution, have gone scot free.

With the force of such suggestion and example constantly exerted upon him, no wonder that the distinguishing mark of the juvenile offender of today is growing contempt for law, order and authority,—both domestic and state. If we bend our child twigs this way at the plastic age when they are most susceptible to criminal suggestion, we must not throw up our hands in horror if practical, experienced prison managers aver, that something more vigorous than “tending plants” is required to render back approved units to society, matured re-cidivists classed with those criminals who

- (1) Commit crime of violence against property.
- (2) Commit crime of violence against the person.

By birth, by training, by association, suggestion and example, these men come into their

natural own, which may be summed up as a soul of unrest, with strong impulses to tear down and destroy anything from a limb of the law, to the lives of individuals interposed between the object of their desires and the fulfillment of them. Afford him the mask of the right kind of social crisis, and subject him at the same time to certain psychological stress, and Stanislaus will commit any crime in the Decalogue for the price of a glass of bad whiskey; whereas under normal conditions, a fortune would not tempt him to brave the electric chair.

During the late summer of 1895, the writer spent his vacation in a city of the middle west, noted for the munificence, variety and efficiency of its regulations in the interest of the comfort and convenience of the poorer classes. At the time named, the city was laying a watermain from its power plant to a point some five or six miles distant. The financial budget for the then current year had been made up, and, in it, was included the laying of this line of pipe, by sections, at a cost per diem, per laborer, of \$1.50,—the then prevailing city wage. This rate of wage taxed to the limit the city funds available. Some hundreds of laborers of Polish nativity were en-

gaged to excavate. They completed better than two miles of the trench. Then,—in face of the fact that they were given to understand, when employed, that the digging was to be done by sections at the price mentioned; further, that the work was to be prosecuted at an inopportune time solely for the purpose of affording them relief at the period of their sore need,—at a given signal, they shouldered their tools, refused to work for the wage given, and declared that they **WOULD NOT ALLOW OTHER WORKMEN TO COMPLETE THE TRENCH.**

Fall election was approaching. The political party in power saw some hundreds of votes in danger, so a policy of procrastination was instituted. The Sheriff of the county, with five deputies bearing Winchester repeating rifles, was stationed at the point of difficulty, and the matter thus rested for two days. On the morning of the third day, an employe of the city was dispatched to repair a leaking valve in the main, at a point nearly opposite the position of the Sheriff and his assistants. The employe stepped into the trench when, in a trice, the Poles,—who had been sleeping on their tools by night and watching by day within pebble toss of the trench,—charged to

a man, and with picks and shovels murderously assaulted the said employe and the officers who promptly and manfully went to his assistance. As has been the case in so many instances of like character, the officers mercifully reserved their fire; purposely aimed wide of the mark, hoping that a final, if necessary volley at close quarters would check the onward rush of a maddened and howling crowd, whose real instincts the police were soon to have good cause to remember. Numbers prevailed, and the writer witnessed the wrath-stirring spectacle of hundreds of ruffians marching cityward, gloating because of victory over municipal charity and law and order. The immediate result was the loss of three or four lives and several badly injured on either side. The remote or secondary effects of such incipient anarchy upon the masses of ignorant, unreasoning and passion swayed dependents of foreign extraction the country over, is not to be easily overestimated. To the very last man, every individual engaged in the blow aimed at peace and security, should have been held accessory in degree established through legal investigation, which should have taken into account neither time nor expense. As it was, the law ground out slowly the

inadequate results common in such instances, and the good people were lulled into fancied security with the specious plea of "life for life, limb for limb."

We shall sacrifice more and more of good men, good government, and municipal, state and national authority and prestige, until we see to it that the fundamental, just and righteous principle inseparable with American institutions under liberty and honor, is preserved inviolate; that to the last man and dollar that the nation can command or borrow, the meanest citizen in the land shall be protected in his inalienable right to make an honest living where, how and when he chooses. Continued compromise with organized or unorganized opposition to this basic principle of our American birthright, means that the day is not far distant when exigencies will arise which may not be met with any reasonable kind or sort of peace offerings.

Anarchistic manifestations have their birth in chosen chaos. To them, in this country, the iron, if gloved, hand must be persistently and consistently opposed, if we are to maintain our prestige as one of the truly progressive powers of the earth.

A nation puts its life into its every act, and its every act becomes either directly or indirectly a part of the "weave" of the life and character of every one of its citizens. Children are essentially imitative; are therefore peculiarly susceptible to impressions stimulated by the words and deeds of those with whom they are habitually associated,—to whom they look for guidance in matters affecting and to affect their welfare. The command of a father may be false, even vicious, yet to the immature mind of a child may carry the weight of all-sufficient authority. It thus happens that the divinely ordered law of obedience either direct, by example, or by suggestion, is reversed, and made to serve as the entering wedge of a life of crime, licentiousness, pauperism, or such a conglomerate mixture of all three, as to defy occult analysis, not to mention the limited powers of reasoning vouchsafed man. —

An instance of the simple process of juvenile intellection at the formative period: Says Tommie of seven summers to Jimmie of one added season of sunshine and implicit faith, "We got a new roof on our kitchen." Quickly retorts Jimmie, "That's nothin', we got 'nother mortgage on our house." Improvements of the latter character

are not ordinarily accepted as divine dispensations, but in this case FATHER put it there, and imagined paternal prowess had its natural champion.

A more practical case in point: The last five lads received by the writer during his incumbency of the office of Acting Superintendent of the State Industrial School at Rochester, N. Y., were committed to that institution for stealing coal out of cars standing in the Buffalo, N. Y., freight yards. The boys were Polish Hebrews and spoke good English for their class, thus indicating comparatively long residence in America. The boys were questioned closely, and, after the customary biographical facts had been elicited, they were most carefully asked one by one and privately, to repeat the command of their parents when sending them for coal. In each instance the instruction in substance was:—"Go over to the yards and get some coal,"—and bags for the purpose were placed in their hands.

The boys could "get coal" but one way, which fact was well known to all, as was the further fact that "picking" coal within the railroad yard enclosure had been strictly forbidden by the railroad company, and that several arrests had

ensued upon violation of this injunction. At their personal discomfort these boys would have ignored the command of their parents. They had clear enough ideas of the consequences liable to follow the theft, but they naturally chose the alternative of depending upon their wits to dodge the civil, and thus avoid the domestic hand. Here was a clear case of crime by command, analagous to which might be mentioned any number of others. The stress of hard times and scramble for bread could not have been plead, since the fathers of the boys, as well as one or more brothers or sisters of each family were regularly employed at more than sufficient cumulative wage to meet reasonable needs. The boys claimed, as such boys usually do, that they were committed for the first offence of like character, but they bore all the ear marks of petty, thieving rounders. Loyalty to parents in a bad cause is one of the good qualities of bad boys, and the writer got out the truth in this case through a slip of the tongue of one of the first youths examined.

It would be ridiculous to hold that all parents of foreign extraction, even of the extremely low grade here under consideration, habitually impel their children to the commission of petty crime.

It is firmly held, that a generous percentage of the parents of this grade are afflicted with a constitutional disorder of adjustment to the ideas, usages and requirements of social progression which, to Anglo-Saxon peoples especially, have become instinctive traits of character through observance covering centuries. This mal-adjustment is a fixed quantity in this class of parents; a part of their bone and sinew, and in the blood, as well as by precept and example, is communicated to their children.

Without offering tedious statistics with which all real students of crime are familiar; or following in their intricate and to their final ramifications the influences of the saloon, brothel, gaming table and race track upon these children and their peculiar susceptibility to them; with so much that is simple and practical left undone, we say it is very close to puerile to spend ammunition of effort in insignificant war of opinion over uncertain theories, the usual effect of which is to lead us into queer confusion of fundamental, synthetic moral science, and abstract speculation. A man having taken poison with suicidal intent, the physician summoned does not waste precious time discoursing on the probable psycho-pathological con-

ditions inducing motive for the commission of the act. At once the stomach pump, then antidotes, or the reverse, after which time enough to inquire how, when and where the unfortunate got the deadly stuff and why? Even then "Doctor" may or may not touch the main spring of truth concerning the matter, particularly as to the "why"?

If the time ever arrives when one man, through means whatsoever, can insinuate himself into the deepest mysteries of the soul of another of intelligence, the desirable epoch will have been reached when a great quantity of amateurish guess work will pass at its intrinsic value.

Just so with the immigration question. First, let us hold the undesirable and trouble-breeding portion of our foreign born population to strict accounting under our laws; then see to it that we receive foreigners with the right kind of heads on the right kind of shoulders, and that we admit these only as fast as we can employ them. Property or educational considerations are relatively unimportant. Character and quality should count. The conditions with us are such that a vigorous man of ethical purpose is reasonably sure to get along and go ahead, whatever his ornamental handicaps; while a slothful fellow with non-altru-

istic proclivities is as sure to flounder, scheme and back-water, whatever his educational and monetary advantages. The humble "mark" of an honest, well intentioned, law-abiding bread winner, is much more respectable and much more reliable than the ostentatious flourish of the bred-in-the-bone agitator and natural enemy to our peace and prosperity.

Having done this vital much, we may, if we choose, continue to consume our thousands of reams of paper and mental resources, expatiating upon the relation to crime and criminal expression of curve of limb, taper of finger, shape of head, and color of skin and eye; but even then we shall be brought face to face with the contradictory proposition that, for every alleged type of criminal other than the victim of deviations relatively as pronounced as those noted in the idiot, the imbecile and the insane, we shall be able to produce any number of exact counterparts, consecrated to lives of honor, morality and industrial thrift.

We want to do more for, and say and write less about the so-called "unfortunate class", having in mind the well-established truth, that crime is far less the result of transmitted tendencies, than of the influence of vicious training, example

and environment constantly exerted upon the individual, which induce physical deterioration and constantly decreasing resistance to bad habits. If, for instance, the employer of high-class and national reputation is notoriously untrue to his wife, drinks much wine, and makes a life vocation of one or another form of gaming, it is a perfectly natural corollary that his groom should drink much beer, "play the ponies", and fool the "Maid de Chambre."

The water of a stream is seldom purer at any point in its course than at its source.

Heredity is a factor and a positive one in the life of every individual; but that it does not necessarily predestine either to good or evil, is demonstrated by the fact that it is proof against neither.

"The Jukes", the worst of genealogical trees, pushed something near 30 per cent. of its branches through the deadly shadows and effluvia of licentiousness and whiskey, to the sunlight of wholesome growth. Such facts lead us to the conclusion that the most tenacious root in man has a decided affinity for the soil of righteousness.

The hardy, and as to nurture never exacting weed, refuses to thrive in an ash-heap. So do

men, women and children fail to thrive, when consigned to the ash-heaps of civilization.

Plant and rear a child in the fertile soil of good precept, good example, and reasonable as well as consecutive industrial effort, and in nearly every case we shall see the chrysalis of divinity inherent in humanity, take on the wings of enduring ethical purpose. This is the first and last analysis of the etiology of virtue, which bears no more relation to the size of the hat a man wears, than does the brush with which he cleanses his finger nails.

A problem of such vital importance to our permanent well being as that of immigration, should receive the very best attention of which we are capable. It should be brought in constant touch with the ripe minds of the country, and the dignity of a cabinet position should attach to the SECRETARY OF IMMIGRATION, whose department should operate substantially as follows:

(1) Registration and complete biographical record of every resident alien over ten years of age. This record should include the mode of life from birth to date of record, and particularly the date, time and place, and condition of penal servitude whatsoever in the country of nativity.

The word "penal" is here and herein used in the sense of restriction of liberty on conviction of offence against public law, and applies to graduates of "juvenile schools", as well as to more matured and the most matured and persistent offenders. Where it is found that a man or boy has been convicted of crime in his own country, and during residence here gives repeated evidence of chronic re-cidivism, he should receive sentence under "The Habitual Criminal Act" to a convict prison, hereinafter provided.

(2) Establish in connection with this department, a Bertillion Bureau of anthropometric measurements which shall be international in scope, and designed to bring about the best possible co-operation of foreign departments of like character. Because of failure to systematically identify, a large number of comparatively hardened criminals of foreign extraction are at the present moment incarcerated in our reform prisons, supposed to be maintained and operated for the benefit of young felons, or for first offenders of more advanced age. This policy may meet the extreme humanitarian's idea of reform methods, but it is not to be successfully defended.

We cannot afford, as we do, to stake the effi-

ciency of our reform institutions on the veracity of convicted felons, be they of native or foreign extraction. Again, we take a dangerously long time to understand that the first principle of reformation as applies to those who desire it,—and most criminals do,—is segregation according to character, as evidenced by the individual's attitude towards natural and artificial law.

(3) Appoint Immigration Department attaches to the consular service of all countries from which we recruit our population. Such governmental agents, through the usual secret service methods, to keep the home office minutely posted as to the life, character, and probable intentions of foreigners expressing desire to cast their lot with us. Then bar out the professional criminal, the lawless agitator, the indolent pauper, and physical and mental weaklings of both sexes. As for these individuals who would earn and transport our gold without thought of representation as patriotic units of the Republic, either restriction absolute, or such a tax on their labor, as would make conditions for them here and elsewhere about equal. We have unpatriotic money-grabbers to spare. Besides, the signs of international commerce and industry are, that we will do well

to preserve, in so far as possible, every American dollar to the right side of the international trade balance.

It may be objected that the expense would be great of such additions to the service at home and abroad. Quite so; but the nearest to insane expenditure of which a country can be guilty, is to dribble away its vitality in vain endeavor to assimilate the world's non-adjustible, profligate and indolent. As a matter of fact, however, the direct and indirect tax for the care of those ill-ordered, or ill-adjusted, would be so lightened, as to more than meet the extra expenditure,—not to mention added safety to life and property, clarification of the social and labor atmospheres, and purgation of the national arteries of much bad blood.

We are at present engaged in the unwholesome process of stifling capital with unrestricted labor, or of stifling labor with unrestricted capital. As to this, the immutable law of compensation will not be denied. National ills refuse to be neglected. We shall reduce to the final level of Rome, or attain to the dreams of our forefathers of liberty, without license, under equitable law. Those looking upon the assertion immediately above as hyperbole, will do well to attend fre-

quently the operating table of any well ordered and appointed Ameircan reformatory hospital.

(4) After proper investigation by the agents hereinbefore named, and due consideration by the Secretary of Immigration, a bill to be drawn by the latter under the counsel of the Attorney General and carrying the approval of the President and Cabinet, the main provisions of which shall make it a misdemeanor punishable by fine AND imprisonment, for any person or persons to contract for and import foreign labor, except under conditions named in the bill, which conditions shall insure, in so far as written prescriptions can, the quality and purpose of laborers so imported, as well as fair dealing by and protection to both parties to the contract.

(5) Five years' residence in the country previous to, or after reaching the voting age, before issuance of naturalization papers to aliens, and five years further on probation, for those who fail to settle reasonably into the traces of our municipal, state or national ways or means.

At the expiration of this second five years, for those inherently and unchangeably afflicted with "isms" menacing our national growth, transportation back to the countries from which

they came. We should reserve the right to thus dispose of individual pieces, whose presence on the national chess board is voluntary, when it is found that their pernicious influence threatens to block our game of progress. We receive no more than this from other countries, and should demand as much of them.

It will be noted that, up to the date of enactment of the restrictive law recommended, the plan roughly outlined would assign to us the care of, and responsibility for, resident foreigners. After that date, and under the efficient administration of the Department of Immigration, we might reasonably expect to receive a class of men who—before capable of guttural pronunciation of a single English syllable—would not attempt to hold up the municipal arrangements of our chief cities. But a short time since, two separate gangs of Italian laborers elected to force the hand of our great representative metropolis. Bomb-throwing has commenced, and the hoary shape of death stalks abroad—the ally of those who admit no law that binds to God. The final steps of men of such constitutional predilections, depend altogether on how we change our policies to meet changing conditions, before the octopus of law-

lessness lashes us to the mast of unbridled license.

The writer always has been and means to continue a true friend of labor, as well as of the unfortunate and down-trodden. He believes that there is decided disequibration between what some men are paid and others earn. For the better part of his life a laborer in the field of reform, he has had ample opportunity to judge of the limiting powers exercised by false economical conditions against men deserving well of their country.

"A fair days work for a fair days pay" is sound philosophy. It is not only the right, but the duty of labor to dignify this proposition by every "fair" means possible. The balance established by organized labor probably is essential to the permanent welfare of the country. Coercion by force of money combinations is bad enough, and, we think, cannot stand the test of time. Coercion exerted by combinations of men against life and individual liberty of action, is as bad as possible, and not defensible in a country where the great bulk of employers strive to make a fair division of profits. So long as labor can cast untrammelled ballots, and thus reasonably ameliorate

real labor ills, it may not excuse employment of unconstitutional weapons.

The great majority of the American people are true-hearted and fair-minded. They will search out and subscribe to the right principles provided, it is not sought to cast about those principles the insinuating but dissentient garb of anarchy.

Organized labor will win the approval of the conservative element of the country, nearly in exact proportion with effort to support the government in preventing contact or extremes.

The effect upon children of neighbor interminably warring with neighbor is the most pernicious imaginable.

If the scars left by internecine conflict over the scramble for place and portion were the symbols of a nation's greatness, then France would be the standard-bearer of the world.

The following deductions result from study of the Twelfth Census and institutional biographical ledgers. Considered in connection with the conclusions reached in this chapter, they will prove interesting.

For the decade 1890 to 1900, the number of German and Irish immigrants decreased four and

fourteen per cent. respectively as compared with the decade 1880 to 1890, and these nationalities (1905) comprised approximately twenty and sixteen, instead of thirty and twenty per cent. respectively, as in 1890, of the foreign-born population of our country. On the contrary, the number of Polish, Hungarian, Italian, Russian and Austrian immigrants more than doubled from 1890 to 1900 as compared with 1880 to 1890, and these five nationalities (1905) constituted seventeen instead of only eight per cent. of our foreign-born as in 1890. Although negroes and foreign-born whites numbered but 19,090,838 or 24.15 of our total (1905) continental population of 76,303,837, they increased in number during the decade named nearly two per cent. faster than native whites. Other than an expert mathematician may figure that two per cent. in such case, compounded in every decade, would, under unchanging conditions, soon enough tax us with a sociological problem endless in its complexity, and sufficiently grave to engage the earnest thought of the most extreme optimist.

Procrastination is a versatile and many offence red-handed rogue, whose chiefest cunning consists in dooming national life by imposing im-

possible conditions, while lulling reason to sleep with specious promises of longevity. Particularly does this, our national Mephisto, insinuate himself into the regard of the well-fed, housed and clothed optimist, whose money was born at his birth, and whose concern for the welfare of his country centers in his ability to out-general a rival in manipulating the spare change out of the pockets of the masses, or in cutting a second or fraction thereof from the running, trotting or pacing records. But life for the great body of American citizens is something more serious than that which revolves about one or another form of gaming. Our hard-headed people are just about arrived at the point of demanding something like real relief measures at the hands of their congressional representatives in relation to the amount and kind of competition to which they shall be subjected in their hard and close battle for their daily bread.

The Biographical Ledgers of the Elmira Reformatory showed in 1905 a grand total of nearly 65 per cent. of inmates either foreign-born, or American-born of foreign parents. The exact percentages, which must be raised from five to ten per cent. now, 1909,—follow:—

CONSECUTIVES.

Foreign born of foreign parents..	372	26 $\frac{18}{557}$ per ct.
American born of American and foreign parents.....	75	5 $\frac{9}{557}$ per ct.
American born of foreign parents.	484	33 $\frac{11}{557}$ per ct.
American born of American parents....	433	30 $\frac{11}{557}$ per ct.

DEFINITES.

Foreign born of foreign parents..	15	1 $\frac{18}{557}$ per ct.
American born of foreign parents.	22	1 $\frac{11}{557}$ per ct.
American born of American parents.....	26	1 $\frac{11}{557}$ per ct.
American born of American and foreign parents.....	1	$\frac{24}{557}$ per ct.
<hr/> Total....		1428 100 per ct.

The immigration question is one with which only honest, broad-minded, far-seeing and thoroughly patriotic statesmen can cope. Political hair-splitters and mere mental pugilists aggravate it as often as they publicly discuss it.

Finally, it is the very grave duty of every American citizen to take active part in the wise solution of this vexing and over-ripe problem.

CHAPTER III.

OUR PRISON SYSTEM.

Exhaustive treatment of prison science is not possible in a single chapter. A large volume might be devoted to the consideration of this most important subject, exclusive of details, few of which may be termed inconsequential. The suggestions here offered will be limited to what seems to us to be the proper or improper use of the power exercised by society, over that portion of its members which fails to measure up to the standard of conduct made mandatory through legal enactment.

As relates to criminal action, legal prescrip-

tions are clear and congruous. A thief is one who appropriates that which he does not earn. A murderer is an individual who unlawfully ends a lawful life, over the tenure of which Almighty God alone is rightful arbiter. We have no quarrel with legal definitions. For many good reasons they stand, and for the same reasons, they bear negative relation to individual responsibility.

The fact that insane delusion impels a man to kill his fellow, does not rid his deed of the legal term attached thereto, neither does legally recognized mental aberration relieve him in full of the necessary consequences attaching to his act. He is a murderer just the same; a murderer from oblique motive and reasoning, but a murderer; one who is mentally irresponsible, but physically a menace to society, and seldom less dangerous for having drawn human blood; a man, concerning whose mental processes, expert alienists will not venture prognosis. All agree that such an one should not be given second opportunity to indulge insane impulses.

So we might go up through the gamut of criminal law, and find its nomenclature as consistent and pertinacious. Our difficulty consists

neither in classifying the offence nor the offender, but in disposing of the latter in manner suited to his best good, commensurate with the safety of the State. The highest efficiency of our penal system hinges on the latter point, which embraces everything from the verdict of the alienist as to a culprit's deviations,—to the proper manner and place of detention of a juvenile first offender waiting trial. Just here, in our prison system, exists a very decided penological paradox.

Our method of herding in county jails and like places of detention, there to wait trial, law breakers of all grades, ages, and length of criminal experience, would be ridiculous to the very verge of mirth, were it not so close to criminal. The exercise corridor of one of these uniquely American nurseries of criminal expression and invention, is fittingly described by Victor Hugo's favorite and ponderous adjective,—“Impossible.” Perchance the youth of initial criminal experience will escape direct contact with the physical and moral lepers always there in evidence, but he cannot avoid the contagion in the very atmosphere of the place,—carrying as it always does, the effluvia of criminousness and licentiousness.

It is not generally known that criminal rounders employ not at all emphasized facial, physical and ocular signs as mediums of thought transference. We could give any number of examples, but the following two will serve to illustrate: A slight motion of the right hand outward from the seam of the trousers means "No", as to culmination of any project between two or more. A peculiar lateral, and at the same time elevated motion of the eyeball, "Cheese it, a 'Screw' (officer) is near". These signs are not the same for all classes of prisoners, and three or four different signs are frequently employed to express the same thought. This form of language without words is essentially insinuating; its very novelty fixes the attention of and attracts a youth, where less subtle and more direct approach might arouse both his ire and inherent sense of decency.

It is only a step from suggestion to physical participation and moral corrosion. What of criminalousness and licentiousness our young man did not know prior to, he is reasonably certain to learn during jail detention. When he enters the door of an industrial school or reformatory, he does so, in the majority of cases, thoroughly immersed in the immoral practices, and deeply tinc-

tured with the criminal theories of his jail prototype, who must needs have been the worst of his kind; for, once started on the toboggan of crime, a lad generally seeks the lowest level of depravity and the highest criminal achievement. The latter ordinarily runs to heroics,—the most tenacious and contagious mania with which the reformatory disciplinarian has to contend.

If the first committment papers consign a boy to a well-ordered industrial school in which educational, industrial and military systems are liberally maintained as well as rationally operated with due regard for the classification of inmates by character, he is fortunate, and stands a better than even chance to redeem himself both to himself and to society. If, on the contrary, he gets into an institution having the best of systems, yet, in the prosecution of which the local authorities find themselves hedged about by not well-considered, not to say irrational rules and regulations glaringly open to misconstruction; by specifications which invite expression of boyish whim or caprice, one or another form of faulty control, or more serious opposition, he is,—if a pronounced egoist, as such lads generally are,—quite liable to cultivate the same contempt for state super-

vision and authority, that led him into initial and grave error through disregard of parental advice and discipline.

Industrial schools are rightly named; but they should be strictly operated as such, with lasting regard for the fact that natural laws govern the unfolding of the human spirit,—everywhere, all the time. Again, industrial schools should not be called upon to house,—even under the indefinite sentence, instinctive and habitual law breakers, and such young felons should not be committed or transferred to a reformatory under any other than the indeterminate sentence. As to the definite sentence and industrial school boys transferred under it, as well expose a running sore to the view of a physician and condition the remuneration for treatment on arrest of suppuration at the completion of one revolution of the earth. Ability to work miracles is not part of the equipment of the twentieth century Penologist.

Others, inexperienced and uninformed in plenty there are, cock sure that they advocate the one unfailing plan for properly running reform institutions. Particularly, our friends cannot be brought to understand the sin and danger of misplaced clemency and ill-timed sympathy.

Indirectly, they thus contribute to a sad waste of human potential for good.

In every other calling, and ere the confident note is sounded, preparation for and experience in work is pre-supposed. It is left to the novice to tinker with the delicate adjustment of the human machinery, so complex as to frequently baffle those who consecrate their lives to the study of its structure and functions.

That the staunch ship Reform is still in the main channel of rational endeavor, is a fact not because, but in spite of the manipulation of her tiller ropes by untrained, unthinking "landsmen"; good men and true, but of many minds, few of which are attuned to the deep, fundamental keynote of crime.

Universal laws are not unfolded through accident. The "fall of the apple" supplied the connecting link in a process of thought covering years. The law or laws of mental and physical gravitation governing oblique thought and action, will be made known to us, if at all, through just such concrete and consecrated study and application as finally yielded the victory to Newton.

A mind less criminologically analytical than that of the well-rounded practical penologist,

may penetrate the wide-open truth that our prison system is badly out of balance; that our methods of detaining, committing, and classifying youthful felons is in many vital ways essentially vicious, and in others, measurably opposed to their interests and to the peace and security of society. Add to this the fact that, in their desire to show minimum annual per capita expenditure, those regulating prison finances separate beyond the last point of elasticity means from end, and the wonder is not, that reform institutions fail to save all, but that they yield back so many approved units to society.

Americans have not hesitated to assert that the British prison system gives proper prominence only to disciplinary and economical features. This view may or may not be well founded. We think measurably so; but the countervailing fact that, in spite of alleged industrial and educational handicaps, crime has decreased 33 1-3 per cent. in England during the last 25 years,—while the opposite is seemingly true of our penological efforts,—lends peculiar emphasis to the contention that, however admirable the educational and industrial systems of our penal institutions, commitments to and discipline in them is not well or-

dered. Further, and most important point, it is alleged that prison statistics show of recidivism less and less in the British, and more and more in the American system. Assuming such statistics to be substantially reliable, they do not necessarily pick to the bone a much-mooted question. Yet, we on this side of the water may not lightly dispose of them.

We know of no British writer of standing who will assert of the British system that it is "crime breeding". Plenty of our best-informed sociologists and penologists so hold as to our prison system,—and we believe not one of them to be totally wrong.

In studying the crime question, we have clearly to differentiate prison and free life conditions impelling to crime and the repetition of it.

As we view the question the essential difference between the British and American systems consists in the fact that the one consistently repels and restricts recidivation, while the other inconsistently invites it.

In an article from the fair and fertile pen of Mr. J. Butler, printed in brochure form and issued by the Elmira Reformatory a few years ago, Mr. Butler plainly implies, though he does not direct-

ly assert, that he questioned many paroled and discharged English prisoners, and the declarations of the latter were uniformly to the effect that,—“Nothing would tempt them to risk another term in an English prison.” A part of the same article advises us that, “For all except refractory prisoners under temporary restraint, the prescribed diet is such as to cause the prisoner to gain flesh on it.” While reading the article in question we were particularly impressed by the following points, concerning which, subsequent consideration has not served to decrease our interest.

(1) A system of prison discipline and classification so salutary, as to cause paroled or discharged prisoners to aver that, “nothing would tempt them to risk another term in an English prison”; yet, if the said ex-prisoners at any time experienced or retained special animus against the said system, Mr. Butler did not remark it, and Mr. Butler appealed to the writer as a close observer of details.

(2) Prisoners paroled or discharged in good condition, having “gained flesh” on prison fare.

As to mental adjustment to the authority of the government and physical conditions upon con-

ditional release from that authority, the British penal system would seem to possess sufficient advantages over our own, to cause us to examine carefully the main features of that system.

CHAPTER IV.

THE BRITISH PRISON SYSTEM.

First, a rigid, if paternal system of discipline; Second, classification which impels forward to better and less onerous, and "transfers" backward to less desirable and more onerous conditions, in reasonably strict accordance with the social or anti-social efforts put forth by the prisoner. Such is the inevitable law of free life, and all efforts to make it rigid for law abiding, and elastic for law breaking men, are opposed to the highest good of each. We may juggle somewhat with the trimmings and ornaments of social and institutional law, but the moment we attempt to reverse nature decrees, she demands an accounting of us.

In prison parlance, the British prison plan is known as "The System of Progressive Stages."

It is similar to our own in conception, but vastly different in execution.

The initial link in an admirably classified chain is the industrial school. The law requires school-boards to commit to such institutions, youths under fourteen years of age who have not been convicted of crime. Sufficient cause for commitment consists in "begging or receiving alms, or wandering without settled abode or visible means of subsistence, or frequenting the company of thieves or living with prostitutes." Under the operation of this edict the population of industrial schools increased nearly 1000 per cent. in 36 years. The essence of the efficiency of this law attaches first, to its mandatory character, and second, to the character of the men intrusted with its execution. Compared with such specifications and procedure, our loose supervisory methods for children are not pleasant to contemplate.

Next, we have the reformatory, to which in the grand average are committed boys of sixteen and under, and fourteen and over years of age, for the first time convicted of crime. A child of ten may be sent to a reformatory if he has pre-

viously been convicted of an offense, and it is thought to be for the best to so commit him.

Next, the local prison and the end of methods employed in educating and training youthful law breakers. We are arrived at a prison proper; a prison offering decided inducements for rational conduct and endeavor, but one which unerringly places the stamp of condemnation on attempt to play tag with prison rules and regulations. Sentence to a local prison cannot exceed two years, the first week of which the prisoner sleeps on a plank bed; is furnished with eight ounces of oatmeal for breakfast and a pint and one-half of oatmeal porridge for dinner, containing four ounces of oatmeal. For supper, eight ounces of bread. He is put in an isolated cell. At the end of the first week he gets second, later third, and then fourth class diet, on which it is asserted the prisoner "gains flesh". Earning better treatment, he gets it, including a mattress five nights the second week, and permanently thereafter. At the end of thirty days of solitary confinement, during which period he is allowed stretches of exercise in the open air, and to attend religious services, he is eligible for part and place in the regular prison regime. Failure in demeanor during

the observation period, however, increases tenure of confinement, and throughout his sentence, serious infraction of the rules sends him back to isolation and related deprivations. Privileges under good conduct include:—First class diet, comparative conveniences and comforts, full use of library books, correspondence with friends and relatives, and money with which to start life anew at the expiration of his term of imprisonment.

Finally, the convict prison and “the deluge”. Sentence to penal servitude in a convict prison must read for five years or more, since English law does not provide for sentence between two and five years. After sentence, the convict is not taken at once to the prison in which he is to serve the major part of his term. He is first confined in one of the detention prisons. He is kept in an individual cell for nine months,—excepting only short stretches of open air exercise, and time consumed in attending chapel. He works in his cell, but no kind of endeavor on the part of the prisoner will shorten this period of detention. It is intended to give him ample time in which to ponder his past and map out his future course, and the authorities sufficient opportunity to observe and classify him. The graded system and disciplinary

measures are substantially the same as those employed in local prisons, plus more extended periods of probation.

Throughout the prison system, corporal punishment is liable to ensue upon serious infraction of prison rules.

Youthful felons, habitually in criminal evidence, may be committed to either local or convict prisons. We infer, therefore, that the plan is to discourage recidivation up to the last limit of legal authority. On the other hand, the government exercises the greatest care to keep separated from criminals of the lower grade, first offenders of high class whose crimes evidenced oblique reasoning, or impulse, rather than depravity, and whose lives up to the initial error were legally blameless. Even in convict prisons, and after the usual probationary period, such prisoners are assigned to what is known as the "Star Class" otherwise named the Fourth Grade. Proving themselves worthy, the men of this grade are treated with very great consideration and liberality.

Dedicated to the interests of paroled and discharged prisoners, and working hand in hand with all penal institutions, are philanthropic so-

cieties, to whom well-disposed convicts never apply in vain for aid,—the far-famed Howard Association for instance.

It will at once appeal to the reader, that the detention prisons—of which Wormwood Scrubs and Pentenville are fair samples,—constitute one of the most important safeguards of the British scheme of classification. While these detention prisons do not exemplify the highest possibilities of such necessary auxiliaries to any wisely ordered prison system, they DO permit of intelligent classification before final commitment. This vital point considered in connection with the following paragraph, and the further fact that commitment to industrial schools of juvenile tramps, loafers and hang-a-bouts, is made compulsory, and we have a trinity of intelligible reasons for accepting British claims of excellence at very near their face value.

We may agree or disagree with part or with the major part of England's prison methods, but we cannot but applaud the system under which her prison officials are appointed, promoted and paid. An applicant having passed the examination prescribed by the Civil Service Commission, as well as searching inquiry by prison agents into

his modes of life and the modes of life of his friends and antecedents, he enters the lowest grade of the service. Thence-forward, he is the architect of his own success; cannot be advanced or retarded through political or any form of influence; will certainly be removed if found not well adapted for or disposed toward the work.

The order is still in force, issued some years since, to the effect that,—“any attempt on the part of private friends to gain promotion for the prison official will make such promotion impossible.” Meritorious service not only inevitably wins promotion, but such service of prescribed length is rewarded by a pension. An officer who serves honorably and efficiently for ten years, may retire on a pension of one-sixth of his salary at the date of retirement. One-sixtieth more is added for every additional year of service over ten, up to four-sixths of salary, which figure is the pension list. We hardly need be told that such manner of selection, promotion and retirement, “secures men of long experience admirably adapted to the work”; or that “they spend their lives in it.” Free of the subterranean manipulations of the political boss and his henchmen; immune of the direct and indirect attacks of those

who choose to amuse themselves at the game of penology, a prison worker may earn his bread in decent dependence and have every incentive to render superlative service.

One of the most ludicrous paradoxes of our penal system consists in our custom of engaging young men fresh from the farm and plough, dressing them in the usual blue garb and brass buttons of authority, and assigning them, inexperienced and unprepared to direct the thoughts and actions of men, some of whom have sounded in semi-tones the gamut of human passions and practices; men afflicted with such complex mental, moral and physical impulses, that they do not at times pretend to understand themselves; men of mental reach and cunning as the proverbial fox; cosmopolites not a few; the majority accurate judges of human nature and individual potential, and we expect disciplinary, exemplary and educational results to accrue to them while they are under the care of such officers—or any other officers for that matter—at “fifty and ten” per month.

Young men from the farm are ordinarily unsurpassed in integrity and faithfulness; good qualities and true, but the majority of such appli-

cants nearly always lack that mental and visual alertness indispensable to the prison officer or instructor of high efficiency. They are usually below grade in size, conformation and physical resistance, and, finding themselves in a totally strange, while bewildering sea of routine and effort, they are necessarily non-resourceful. It is true that many make good monitors and better guards, but years are consumed in the process. Convinced sooner or later of their natural unfitness, many of these young men sensibly decline the issue and seek more suitable employment.

Then we have the rover; the man wedded to a life of change and variety, to whom employment in a penal institution means nothing more serious than temporary gratification of his instinctive desire to roam. Those fitted for and adaptable to the work are necessarily men of good parts and more than average ability, for which they constantly seek a better market than consecutively long hours, short pay and Sunday work. The result is a constantly changing force of officers never collectively efficient; never trained to work together as a unit, and therefore unsystematic and unreliable in emergency. Few are impressed with the magnitude, spirit or seriousness of the

work at which they are engaged. Others know little or nothing about the ways and means of the criminal, and care less. Mere time servers are by no means rare, and those having "served time" might easily defeat the formal inquiry in vogue.

An engineer unfamiliar with the position and office of a single screw from tender coupling to top of smokestack, would not be allowed by any railroad company in the land to open the throttle of one of its locomotives. Mother State, on the contrary, assigns to novices; sometimes weak-kneed and in isolated cases very close to weak-minded novices,—the important task of supervising and directing human machines, matchless in the complexity of their needs. Such procedure is the apex of folly, and if, as is asserted, we are neither first, second nor third in the race for penological honors, we may, in the main, ascribe our undesirable and unworthy position to our wretched method of selecting, paying and caring for our institutional officers.

Otherwise, we may do or leave undone, since the excellence of our educational, industrial and military systems partially covers minor faults; but we shall not attain to results commensurate

with our disposition to do for unfortunate, if criminal men, until we place over them officers that will at once command their obedience and respect. This from wall to wall; teacher as well as teamster, guard and superintendent.

In conclusion as to the British system: It is a governmental or centralized one. The last authority rests in Parliament, the chief agents of which are the Commissioners of English Prisons and the Secretary for the Home Department. Superintendents, Governors of Prisons, they are named,—necessarily have much authority; but they are responsible for abuses of management or discipline to the said Commissioners, who appoint inspectors whose duty it is to inspect prisons and report the general condition of the same to the said Board. The Commissioners of Prisons may not directly interfere with prison discipline or management, but it is their duty to report abuses to the Home Secretary, who is the direct agent of Parliament in such instances.

In an address of some years since, the Home Secretary said: "There is not a single complaint of a prisoner of misconduct of any prison official from the highest to the lowest, which does not come under the personal observation of the Home

Secretary, and I consider it one of my imperative duties to inquire into every case of complaint which is made to me."

We have been at some pains to give the reader a fair idea of the British prison system, because we believe it contains nothing we may lightly cast aside as error, much that is wisely ordered and worthy of our most studious consideration.

The iron bands surrounding the British disciplinary system cut into our sense of mercy and the desire to inflict upon fellow creatures minimum pain whatsoever. Nine months cellular confinement for a prisoner while he is indifferently employed and exercised, seems very close approach to the dead lines of mental, moral and physical safety. Specifically as to the disciplinary, and concerning general features, we think we employ more humane and as efficacious means of reaching the same end, but do we? On the face of prison statistics we do not, and whatever England's faults otherwise, she does not condone the short comings of her public servants, or of the system that they represent. After all is said and done, the final analysis is the percentage for a

given period of reformatations to the full prison parole and discharged lists.

Better, far, law-abiding, if comparatively ignorant and plodding ex-prisoners, than the cleverest, oiliest rascals ever paroled from an industrial prison. Too often it happens that a prisoner is discharged at the expiration of his maximum sentence, more pronouncedly at war with society and social conditions than he was when he entered prison; yet, during his imprisonment, he had mastered not one, but two, even three trades, together with the full school curriculum, which, in the Elmira Reformatory, includes History, Literature and Practical Ethics. We would not be misunderstood. We fully believe in much better all-around education and culture for prisoners than that for which the state will now pay. But we do not forget, as do some, that no matter how complete otherwise, education is still false in principle, and misleading, not to say pernicious in result, if it does not lay broad, deep, catholic foundations of purpose and effort.

The first and last office of education or training whatsoever, and of prison education and training in particular, is the proper unfolding of the human spirit; a man A unit, not THE unit;

altruistic, not egostic expression, the initial evidence of which is adjustment of individual defects to laws and usages which conduce to social solidarity. Instances to the contrary may be named of course, but in at least ninety out of every hundred cases, irrational demeanor and endeavor begin with contempt of, and end with respect for law,—municipal, state and governmental. Further consideration of the proposition immediately above will be found in the chapter on discipline.

Reformatories the country over have published statistics claiming something near eighty per cent. of reformatations, and implying, if not admitting about twenty per cent. of lapses, including “incurables” so-called. Such figures, seldom less than misleading, and always more than liberal on the side of reform, may at first glance seem satisfactory, even laudable; but when we consider that man is the only domestic animal that in anything like such percentage wastes his potential for good, we are inevitably led to suspect that both our sociological and penological methods invite abuses of the privileges of freedom, while they lamentably fail to realize the possibilities of wisely ordered restraint.

Suggestions contained in the following chapter, result from the writer's twenty years of close institutional observance of and experience with youthful and matured felons, together with study of the cosmic, biological and sociological influences impelling to offences against public and moral law. It is not presumed that these simple recommendations sound the last note in the symphony of prison science. It is held that measures akin must form part of our procedure for the apprehension and disposal of law-breakers, before we may avoid inharmonious action, or achieve commendable results as accomplished by a great, Christian world-power.

CHAPTER V.

PRIMARY INDUSTRIAL SCHOOLS.

The initial and most vital crime preventive measure calls for enforcement of the New York State law passed in May, 1903, commanding that parents shall keep in school, during the legally

prescribed term, all children under fourteen years of age. Every state in the Unión should pass such a law, and insist that it be obeyed. It is figured that 90 per cent. of criminals commit their first serious offence when under fifteen years of age.

There yet remain, however, the hours from 4 p. m. until bed time, which, for children under fourteen years of age, ordinarily should not be later than 9 o'clock.

We do not favor arbitrary and hypertechnical interference with parental control, which forbids children early evening harmless and beneficial exercise in the free air; yet, parents should be held to see to it that their children remain in close proximity to their own homes, as well as to maintain supervision over them at all times sufficient to preclude association with loose characters.

Add to the law named above one making it mandatory upon local authorities to commit to primary Industrial Schools all children,—“found begging, or wandering about without visible means of support, or permanent abode, or consorting with prostitutes and thieves”,—and parents may allow their boys and girls to play “pem-pom-pull-a-way” on the highways, after dark, reason-

ably certain that they will not brush up against youthful representatives of one or another form of vice or crime.

The "curfew" is good enough as far as it goes; but parents who have to be driven to properly assume God-given responsibilities, need more forceful reminders of their duty than are carried to them by the tones of the evening bell,—disobedience of which may or may not be noted by regular police officers, and, if known, may or may not be proceeded against as prescribed by local ordinance.

Special day and night officers should be appointed, whose sole duty it should be to see that children are properly schooled, housed and cared for.

Establish and maintain under State control, purely Primary Industrial Schools. To these Schools should be committed children from six to fourteen years of age who have not been convicted of a felony. Such institutions should receive to the age limit, homeless orphans, children now committed to truant schools, and children "found begging, wandering about day or night without visible means of support, or permanent abode, or

consorting with thieves, or living with prostitutes."

For State maintenance and education of their children, parents should be required to pay in reasonable proportion to their financial capabilities, up to the full annual maintenance cost. Such regulation would result in vastly improved parental supervision and discipline, as well as removal of motive for shifting of responsibility by unnatural parents from their own to the shoulders of the State. While imposing less onerous associated taxes, and assuring more rational education and training than that afforded by the best of truant schools, the more centralized system would land the matter at the hearth of every taxpayer, where it belongs.

Children of the indigent,—specifically those of poor widows obliged to work out, are the natural wards of the State; so, generally speaking, are idiot, imbecile and insane children of the poor.

Responsibility of parents for criminal expression on the part of their children, is a problem so complex as almost to preclude reliable analysis. Where ability and opportunity of parents to do and care for their children is apparent, however, and next to no efforts are made by the former,—

objectively to educate and train, and subjectively to govern and exemplify,—it would seem that the state is generous in assuming full charge and responsibility under divided expense.

Conditions of the moment demand not only scholastic, but industrial and military training as well, for children perversely inclined, or unfortunately circumstanced. For children between the ages of six and fourteen, the hand tool processes involved in a well ordered system of manual training are excellent. Military training, if rationally prescribed and directed, yields the highest order of mental and physical results, while conserving institutional order and discipline, not in the same degree possible under any other system. In the absence of military training including military calisthenics, then some other exact, vigorous and evenly balanced system of physical culture, the motions of which should be executed, in so far as may be, in the free air; always in pure air, whether comparatively warm or cold. Proper oxygenation,—the habit of deep full breathing,—attaches more vitally than is commonly supposed to earnest, ethical effort, and longevity.

It may be objected that no form of artificial exercise is as efficacious as are unrestrained movements in the free air. True, and for children, particularly, we should not curtail such "unrestrained" and "free movements." True again, nevertheless, that if a certain percentage of institutional boys and girls were accorded free choice in the matter, they would lounge or merely walk about rather than play, thus exercising indifferently and insufficiently; therefore the necessity for measures mildly compulsory.

The main object of the book branch of the system should be to instruct the children how to live; to lead them to understand the law of reciprocal dependence as between human beings, and their relations to, and duty towards every living thing. Teach them "the three R's", yes, surely and thoroughly, and as much added fundamental, useful book knowledge as time and conditions allow. Certain literary ornaments, as well as facts pertaining to the laws of growth, peculiarly grace the mind and groove the character; but the prime object of all institutional child education and training, should be to teach children by seeing, feeling and doing. This from the viewpoint that the grand majority will be called upon to meet

conditions associated with bread winning, rather than with laurel winning.

Essentially, such children should be habituated to earnest, consecutive endeavor, and, ordinarily speaking, no excuses should be accepted in lieu thereof.

Compulsion, while a sign of weakness not infrequently attaching to false method, should not be avoided when palpably demanded, simply because it is the least desirable and most disagreeable of educational adjuncts.

The Pestalozzian method of "Natural selection" leads us into Utopian fields of child culture. With children that are instinctively good and naturally select the good, it works well enough; yet the best of children, just immature little things, when relegated wholly to their own mental and physical resources, flounder in the realms of perplexity and imagination. For children on the contrary who are unnaturally and instinctively given to oblique thought and action, true education reduces to something more orderly, synthetic and vigorous, than that which finds expression in impulsive caprice or whim,—however artful and "cute."

A certain cult affect to discover the germs of

progression in everything wandering and wobbling about in the domain of "freedom of choice." Everything that is, is good for immaturity, but many things that are, are bad for maturity. If one desire to see how this fallacious theory works in actual practice, let him remove the governor from a model or child locomotive,—the smaller the better,—and witness the "dear little thing" run away with and pound itself out of commission, even as an amusing toy.

Unfortunately, some high in institutional authority entertain this "toy idea" of institutional child life. From the depths of good hearts and alleged wisdom they inquire:—"Why such exacting industrial and scholastic systems? Why not, particularly, relax military discipline and the systematic and orderly methods connected therewith? Why not be liberal; all expand, be generous and be joyful"? Just for the reason that earnest, consecutive and reasonably exacting schooling in all branches of the indispensable institutional trinity here-in-before named, is absolutely necessary in order to bring about orderly arrangements of ideas in minds more or less disarranged and disordered; for the further reason that, next to the verdict of a petty jury, the men-

tal and physical impulses of a perverse, headstrong child, are the most intangible manifestations in this wide, wide world; because, insatiable desire for variety, change and amusement, and unreasoning and illegitimate gratification of legitimate desires land most children in prison, and nothing but complete change of their habits of thought and action will land them out again and keep them out, prepared to look life in the face and endure under adversity.

Play in plenty affords them in the sunshine, with restrictions removed to the last possible limit. Tell your officers not to see too much on the field of recreation, but insist that the play of life is but a temporary side issue, and that "work is worship."

In a purely CRIME PREVENTIVE INSTITUTION of the character under consideration, we would classify by age into two divisions. The first, the primary, for boys from six to ten. The second, for those over ten years of age.

Iron-clad construction of the age method of classification should not obtain. Considerations attaching to physical or mental development, maturity or immaturity should frequently govern. Transfers from the first to the second di-

vision should not be lightly ordered, but when consummated, should be made to mean something.

The Primary division should be officered throughout by women, including the matron, who should be personally charged with the discipline. To the end that the matron would have time in which to properly execute her all important duties of mentor as well as disciplinarian, she should be relieved of all detail work other than that associated with general oversight. Supervision over ordinary duties of officers and inmates should fall to the lot of the assistant matron.

Officers should be exceptional women of broad sympathies, firm yet tactful, patient and motherly; in short, they should exemplify poise of character commanding at once the respect and emulation of the boys.

Excepting only women teachers, the second division should be manned by men. Women make the best of teachers, but the average single woman nearly always is puzzled by certain boyish freaks associated with adolescence. As often, she is incompetent to deal with manifestations physiological in their origin, natural up to a certain point of expression, but exaggerated, liable to prove fatal to moral character. Particularly is this true

at approaching puberty. Then too, boys expect, like, and respond best to manly vigor, when manfully and judiciously exercised. No sane man would recommend male attendants for correctional institutions or departments for girls. Why then the attempt in certain quarters to popularize to reverse method? It cannot be right unless it works reversal of the nature of the individual,—a proposition too ridiculous for argument.

We admit that a high grade woman would be more efficient in departments closely allied with her natural sphere in life than would a low grade man, but we admit only this much. Quality for quality, in a congregate system, (in which we believe) and for a number of reasons too obvious to call for defense, the male officer generally will be more resourceful in handling institutional boys maturing and matured. If the opposite seems to be the case, we shall find upon careful study and inquiry, that the question relates to circumstances rather than to sex. Such fact, while not detracting from credit due competent women for good work, neither excusing bad work of incompetent men, nevertheless clearly defines the question, and places it in the domain of false economics where it belongs.

The system of discipline should be essentially maternal and paternal as applies respectively to the first and second divisions, but of sufficient rigidity in each to distinctly demarcate good and bad, right and wrong.

In the matter of child culture, proper disciplinary results accruing is so largely a matter of individual potential, that intelligent treatment of the question of method is difficult. In relation to children generally speaking, however, force of reasonable character whatsoever if a sign of weakness, attaches less to the method than to the person employing it.

The gifted disciplinarian instinctively speaks the right word at the right time, or employs the proper means, at the proper time, and at the proper place. One by nature unfitted to discipline never learns how or where to direct either judicious exhortation or necessary emphasis.

The course of instruction and training for both divisions should include:

(1) Scholastic instruction after methods hereinbefore specified including Nature studies and carefully prepared talks on Elementary Physiology.

(2) Manual training, so prescribed and directed as to conduce to balance of faculties.

(3) Exact, systematic, military maneuver, manual and exercise, with good band accompaniment. Physical culture and military courtesy prominently featured. Military dress, genuine whatever the pattern. It costs only a trifle more to dress boys strictly in accordance with military ideas, than it does to dress them out of harmony with such ideas. Blue jeans and the martial spirit are not natural comrades. Arms, minus bayonets, may be good imitation in wood, nicely balanced,—weight for age.

(4) Generous amount of unrestricted exercise in the open, following noon and evening meals, thus habituating to recreation at times when workmen are free to relax as they see fit.

(5) Frequent institutional and monthly musical and literary entertainments by outside talent, which should be the best obtainable. Really good music and declamation stir the deepest chords in child nature, and spread seeds of emulation which bear rich fruit.

(6) Regular trade instruction for second division boys twelve years of age and over, and the same for younger boys, if any, of this or of the

first division, who plainly exhibit unusual mechanical bent. Personally, we have never been able to mark the essential difference between manual training, and the ordinary tool processes re-enforced by a good system of mechanical drawing. The advocates of the former eliminate the question of time, and, as if introducing a new element, insist upon accuracy. Employers demand of apprentices accuracy not only, but speed as well; with them, every minute of effort stands for the fractional part of a dollar. Hence, we specify at least one year of trade instruction for boys soon to assume the duties of apprentice.

The sentence to Primary Industrial Schools should be indefinite and, under the usual limitations accompanying probationary release on parole, should be operative up to the fifteenth year. Thereafter, and assuming criminal practice on the part of the boy, we may reasonably conclude that he is not sufficiently responsive to the methods of the initial institution, and that he is a fit subject to be committed to a Secondary Industrial School.

Set rules are not safe in the matter of paroles. We have noted instances, concerning which we have been impressed that reformation would

more surely have followed a twenty-four hour, than a twenty-four months' restriction of liberty. A "spoiled mother's boy" for instance; neither bad nor vicious, but perverse, having contracted the habit of wandering, and become habituated to disregard of parental advice and authority. In such case the law of contrast is quite liable to make deep incision into the lad's heart and reasoning faculties, and, just when bathed in tears of contrition and homesickness, he could well be turned over to his parents to try again.

Whenever and wherever it is possible to avoid institutionalizing an instinctively good child, it should be done.

A certain mental and moral callousness is more frequently noticeable in the institutional young. Inciting causes leading up to such condition are by no means identical. They may be either singular or complex; subjective, objective, or both; accrued from ungovernable temper, bad companionship, bad parents, vicious home environment and example, or all four, or from any one or number of a dozen other influences one could name off-hand. Generalizing, we may only say that the phenomena noted is ordinarily the result of extended contact with influences that

take the edge off the finer sensibilities, warp reason, induce physical deterioration and habituate to anti-social expression. The most common form of the latter is getting without doing, while indulging inertia inherent in the human, other than activity affording variety, change and abnormal gratification of the senses.

Such lads have to be taught not only to forget and put away the old, but to remember and take on the new. In a word, we have to substitute habit for habit;—a process demanding reasonable time, singular ability, exact, systematic and well chosen method, exhaustless tact and patience, cultivated understanding of the meaning of boyish pranks, genius for taking pains, and a soul surcharged with almost infinite desire to be merciful while just. We wish to drive home the truth, that superior men only are capable of intelligent effort under such specifications, and that they are not in the market at “fifty and ten.”

CHAPTER VI.

SECONDARY INDUSTRIAL SCHOOLS.

Because it would be unwise to re-commit boys convicted of felony to primary Industrial Schools, does not commonly mean that one, even criminal, error on the part of a lad, would justify his sentence to prison contact with maturing or matured felons. Hence, our next institution should be a **SECONDARY INDUSTRIAL SCHOOL** for the reception of boys over fourteen and under nineteen years of age, for the first time convicted of a felony.

The sentence to such institutions should be indeterminate, and operative up to the nineteenth year.

Classification same as that specified for the primary institution, except that there should be three instead of two divisions.

To the third division should be assigned boys evidencing abnormal criminal tendencies. With manual training cut out and industrial instruc-

tion emphasized, the course of education and training for all divisions should be the same as that prescribed for the second division of the primary institution.

The best officers and teachers for which the state will pay should be placed over the third division boys, who should not be allowed to associate with the rest of the population for purpose whatsoever,—religious instruction included. They should be assigned singly to cells, and, at night, securely locked therein. All officers should be male.

The duties of the chief disciplinarian should be so arranged as to allow him to have supervision over individual cases markedly deviated. Necessarily, he would give most of his attention to the third division, where his services would be most needed.

Transfers to the third division should be made only as a last resort. When made, they should commonly stand, pending at least six months of all around good endeavor on the part of those transferred.

Commission of offences evidencing abnormally vicious or base character, should relegate the

perpetrators permanently to the third division:—Sodomy, for instance, or attempt at the same.

The uniforms of the boys of this division should be distinctive but not degrading. The diet should be as good as the institution affords, which in turn should be all sufficient to meet the physical needs of a fast maturing young man.

An up-to-date gymnasium, with floor and side apparatus, Turkish, shower and plunge baths, and massage slabs, should be included in the institutional equipment. The gymnasium building could well constitute a part of the dividing wall separating the second and third divisions, and have entrance and exit doors on both divisions. Sustained abnormal conduct on the part of young criminals particularly, is frequently traceable to physical causes inducing mental stress. Such boys, as well as those of all grades requiring it, should be given daily and individually prescribed and directed gymnasium treatment, under special diet, to balance unusual thermal loss associated with necessary renovation.

The military uniforms for the first and second divisions should be identical in pattern and material, except that division numbers should appear on the collars of the blouses or jackets.

Arms same pattern as recommended for primary institution, weight for age.

Securely environed, free of angles and galleries, with generous toilet arrangements, properly ventilated, lighted and heated, and under alert supervision, we would favor open dormitories for first and second division boys. Judiciously appointed, there is nothing so simple, convenient and practical, at the same time hygienic, as the old-fashioned lavatory, with its deep, spacious water trough, and faucets regulated by wheel valves. Individual toilet articles complete, including towels, soap, hair brush, tooth brush and mirror, are of course presupposed; also, that special and individual care and assignment will be accorded boys afflicted with contagious skin or eye diseases. As to the latter, Trachoma particularly,—that common institutional robber and pest.

Considerate kindness, having particular relation to individual needs, should permeate the disciplinary methods of the third division; at the same time, such methods should be clear cut, decisive, and never leave the boy even partial victor.

Repeated commission of serious offences,

other in or out of prison, commonly presupposes contempt of authority. No time should be lost in giving those who persistently perpetrate such offences to understand that they will not be allowed to dance upon the shoulders of the state. Enough and to spare of unwise license in this regard is accorded boys and young men in free life. Far from being a trivial matter as some good people will have it, disregard for the voice of the state lands a lad at the very feet of anarchy.

Whatever the specific disciplinary measures attaching to the first and second divisions, they should be so prescribed and executed as to foster spirit and tone analogous to that obtaining in the well ordered home. They should also clearly differentiate the state the uncompromising, and, if needs be, vigorous guardian of right, yet wise, faithful counselor and friends.

Guilty of criminal action following expiration of the indeterminate limit, our young men should be committed to a reformatory proper.

CHAPTER VII.

REFORMATORIES.

To reformatories should be sent maturing recidivists, and first offenders over nineteen years of age, other than first offenders sentenced for life.

The sentence should be indefinite, with minimum limit of one year for ordinary first offenders having mastered a trade or occupation previous to, or during their incarceration. All others should be required to learn a trade or occupation up to the average free life advanced apprentice wage earning scale, and this **SHOULD BE THE MAIN CONSIDERATION IN DETERMINING** a prisoner's eligibility for parole. Next in importance would be the prisoner's general disposition to get out and stay out of prison, as evidenced by his conduct and work therein.

The probationary period on parole for first offenders we would make one year. For repeaters of the grade here in question, the full mini-

num definite time for which they might have been sentenced for commission of their last illegal act or acts. Experience has demonstrated beyond peradventure the weakness of short probation periods for persistent offenders on parole. If such men really elect to operate within the law, the unobtrusive supervisory arm of the state can work them no injury. If, on the contrary, as is far too often the case, they make nearly perfect records in prison, the sooner to renew a life of crime in free life, they should be subjected to something less perfunctory and more binding as a check upon their probable nefarious practices, than the short six months of lawful living which the states now too generously specify.

Scores and scores of thieves and all around crooks thus "do" in perfect prison form what they are pleased to term,—“sleeping time,” (mainly during the late summer, fall, winter and spring months), keep just within the law for the probationary six months following parole, then, with the “planted” spoils of one or another form and degree of robbery or thievery, they make night hideous until again “caught in the act”. This latter not infrequently occurs in new fields and another state, and since our Bertillion sys-

tem of measurements is anything but reliably interactive between the states, hundreds of criminal rounders are again and again sentenced as first offenders.

Such fact alone is condemnatory in the highest degree of the manner in which the indeterminate sentence works itself out under present conditions.

Under less than an interdependent and operative system of anthropometric measurements, compulsory and thorough bread-winning instruction, rational detention and probationary periods, and the most pains-taking while judicious supervision during the whole period of parole, the indeterminate sentence is false in principle, and at the mercy of the very class of felons over whom the state should longest maintain supervision, and from whom the exact the most,—viz., clever, oily, habitual rascals. The slogan of such men is, “beat it,” and their consistent practice it is to do so. Much in the same spirit as against the specifications of the Criminal Code, they match their fine art against the attempted good offices of whole-souled, right-hearted philanthropists.

CLASSIFICATION INTO FOUR DIVISIONS OR GRADES.

The first grade should be exclusively for first

offenders. Prisoners of this grade should be completely isolated. In meeting the requirements of parole, they should be segregated under the most careful supervision through the trade, school and military systems, and during religious services. Necessarily, they would be paroled from their own, or discharged at expiration of maximum indefinite sentence from a lower grade.

Prisoners of the second, third and fourth grades, would be assigned according to character, as evidenced in free and institutional life.

Other than first offenders, new arrivals would ordinarily be assigned to the second grade, and under sustained conduct and effort in line with institutional requirements, they would be paroled from this grade. Persistently refractory prisoners of the second grade would be transferred to the third grade, and, maintaining like conduct in the third, to the fourth grade.

Third grade prisoners would work up to the second, and second and third grade prisoners down to the fourth grade.

In plan and policy, the fourth grade should correspond with the third grade of the Secondary Industrial School. The disciplinary measures, while carrying extreme kindness, as well as due

allowances for naturally oblique actions, should be unbending in demanding respect for authority and reasonable compliance with grade rules relative to conduct and endeavor. Every effort should be made to keep prisoners out of the fourth grade; but once assigned there, therein they should remain until paroled or discharged.

For all grades, the same methods of instruction and training should obtain as specified for the second division of the Secondary Industrial School, with History, Practical Ethics, and more comprehensive lectures on Physiology added to the scholastic course.

Each grade should have its deprivations and privileges, but none should suffer violation of hygienic or dietary laws. To prescribe short diet for prisoners under restraint, ordinarily turns out to be reactive error. An ill-fed man is usually an ill-natured man, and we utterly deplore restrictions that offend habits of neatness and cleanliness. What earthly sense, for instance, in depriving prisoners of the use of tooth and hair brushes? Yet such procedure has been practiced by penologists and copied freely.

We would have the uniforms of the first, second and third grades identical, with nickeled

grade numbers firmly attached to the collars of the blouses; black single-breasted coats with plain nickeled buttons, cadet cap of same color as material of coat, with patent leather chin strap and nickeled metal company letter; white belt with nickeled metal buckle; white cross belts fastened in front and center with nickeled breast plate, and medium dark grey trousers,—makes a simple, neat, showy, yet modest and serviceable institutional, military and all purpose dress. To a stripe, insignia of rank for officers made and placed on the garment faithful to book specification. For inmate officers of the staff, line and non-commissioned staff, dress complete cut to regular army pattern in combination of colors given. Caps drop peaked, leather belts with auxiliary straps, side arms genuine. White gloves for field, staff, line, non-commissioned staff officers, and National and Regimental Color Sergeants. Arms good imitation in wood, carefully balanced by means of iron trimmings and butt plates.

For the fourth grade, uniforms of solid and distinctive color, preferably light grey. Arms and equipment the same as named in the preceding paragraph. This battalion, or division, should be officered throughout by citizen officers of the high-

est grade of intelligence and efficiency, assisted by a corps of inmate officers of approved competency and fitness. Lack of power of inhibition is the curse of erratics and defectives. Hence, in their military practice, the men of this grade should be held to exemplify the most perfect mental and physical concentration. Such subjective dominion presupposes positive auxiliary aid in mastering trade and school outlines. In relation to the latter point we may properly state here, that if military practice fails to cure gaucherie; build to a posture of manly erection; foster spirit of emulation; markedly habituate to concentrated thought and energy; conduce subjective and objective ideas of order, system, neatness and cleanliness;—induce respect for superiors, regard of authority, and consideration of the rights of fellows,—the fault must be sought not, in military training as a means to a common end, but in the manner of prescribing and directing it.

CHAPTER VIII.

CONVICT PRISONS.

To convict prisons would be committed life prisoners and those sentenced under "The Habitual Criminal Act". To such prisons also would be transferred from the fourth grade of Reformatories, maturing recidivists who repel all efforts in their behalf of the state and of society. Such transfers should be most carefully considered, since we are now arrived at the penal institution of last resort, maintained and operated with the PROTECTION OF SOCIETY, the PRIME object in view.

Classification into two divisions. Life prisoners, first division. Habituals, second division. Communication of any kind whatsoever between divisions prohibited.

The industrial system of the first division should be made to take care of its maintenance account. This much surely, and we think far

better results obtainable, since among other articles that could be manufactured under law for state institutions we name:—Furniture, tin ware, crockery, office furniture, appliances and books, clothing, soap, shirts, stockings, underwear, gloves, iron ware and castings, wire screens, etc., etc.

Discipline on this division should be such as to conserve good work, good order and good morals. For the rest, every means should be employed to brighten, in so far as possible under a life sentence of penal servitude, the lives of the victims of the cumulative force of their sins. In an unobtrusive, unostentatious manner, all officers should extend to the unfortunates under their care, the leveling hands of mercy and charity. More; none other than such officers should be employed in convict or any other prisons.

Exceptional prisoners require exceptional care and treatment; but, speaking of the great bulk of the class of prisoners in question, the state accomplishes naught under a system of super-technical supervision and restriction, other than to cause the men to close their teeth in sullen opposition thereto. We think this to have vital

bearing on real discipline in prisons of last resort; hence, at the risk of prolixity we further example:—life prisoners, when not employed, or otherwise engaged, should be securely locked in individual cells, which, if for no other reason than protection of the prisoners, should be frequently searched. Within safe sanitary limits, otherwise the men should be allowed to make their cells comparatively comfortable, and, dropping a tear of expression, shall we say, home-like?

A man may have gone so far as to have constituted himself enemy to all mankind, save only those of blood consanguineous; yet, just at the psychological moment of his life, the pictured face of his mother, or sight of the merest material trifle carrying sentimental value, might cause him to indulge healthy introspection and arrest antisocial habits of thought and action.

Yes, reformation may globe itself in a tear drop; which seemingly inconsequential little crystal may wash both inner and outer eye to clarity of vision of the fact that, "The dice of God are always loaded," and that, therefore, "The devil is an ass."

A man who breaks capital law is a broken man. The retributive law of reaction, which may

not be evaded, nor fully suspended, takes care of that. He may storm, fume, defy, even for a time ridicule the good offices of the state expressed in the persons and efforts of his guards and teachers, whose pleasurable duty it should be to meet such mere lip service with studied, considerate kindness, and thus penetrate to and salve a bleeding heart.

In any event, petty restrictions and deprivations are ordinarily misapplied, where the punishment endured and enduring is the severest that man can inflict on his fellow. In such instance they seldom do less than irritate or aggravate, and are never better than negative, if necessary and temporary means to a carefully planned end.

The disciplinary measures of the second, or division for habituals should be rigorously prosecuted in accordance with special military specifications contained in the preceding chapter. By "rigorously" we do not mean brutally or cruelly, but with unbending regard particularly for thoroughness, accuracy, concentration, continuity and marketable speed under all.

Reasonable limitations relative to age, and due allowance for comparatively intellectual weaklings understood, the same fundamental prin-

ciples should govern in the instruction of the men of this division, who should be held to quarterly industrial and scholastic examinations, and to a percentage in all branches of work and conduct of not less than seventy-five.

Originally, the men should be graded throughout the schools, with the idea of giving them reasonable opportunity to take up many mental threads long in disuse.

We are to reverse the order of the lives of those whose habits of thought and action are, and for years have been in direct and positive opposition to right thinking and living. We shall at once belittle, and subject to the ridicule of the men themselves, the task, if we attempt to supplant it with mere sentimental surface trimmings, or to take from it an iota of its seriousness.

For habituals, justice of the resilient temper of the Damascus blade which may easily be circled point to grip crest, but which unfailingly insist upon the true angle of service.

Kindness, always, in every prison system, merciful kindness over all; here, however, while we have precious care that the eyes of duty are not illuded through the thousand and one plays

of rascality,—be they never so cleverly or good-naturedly masked.

The sentence of habituals should be indeterminate, and their probationary freedom should depend upon nothing less than their very apparent adjustment to the voice of the majority, expressed in statutory law.

This last point is the vital one concerning the final disposal of men who, previous to their commitment as habituals, had for many years waged predatory war on the good of the country and the rights of their fellows. Hence, the burden should be upon them to clearly demonstrate ability and disposition to pull permanently in the legal harness of free life. The judge of this should be the institutional Superintendent and Criminologist, and the institutional physician and alienist, who should be acknowledged experts trained to the hour.

The very names of members of the local Board of Managers should carry the confidence of the public for irreproachable character. As well should they possess peculiar fitness for, and will to perform gratuitous institutional duties. They would, of course, pass upon all institutional measures of moment.

If, however, such Board members are judicious while wise, they will lend their best efforts to the aid, placing and care of, and supervision over prisoners following their parole, and leave to judge of the shifting needs, moods and responsibilities of prisoners while in prison, the said "experts trained to the hour."

Particularly, state executives should avoid appointing to prison Boards of Managers, members whose minds are obsessed by a single idea of reformation to the exclusion otherwise of all sense of magnitude and comparison. Such men seldom learn that vital human failings are never singly armed. With inebriation, for instance, is invariably associated comparatively weak will power. This, whether the liquor palate is acquired, or comes down in the blood. In either instance, we are quite liable to spot an instinctive liar as well.

The best part of the life of a life prisoner stands forfeited to the state. Thereby he expiates his offence or offences against the state. Therefore, every cent over that sum necessary for his maintenance and care, plus a further five per cent. of his earnings to cover average yearly deterioration of the prison plant, would we place to

his credit, and at his disposal for good purpose whatsoever. Ordinarily, this would mean timely aid for dear ones, to whom, because of the illegal act or acts of the prisoner, there commonly accrues unearned increment of sorrow and want.

Thus would be preserve the delicate balance between justice and mercy, and thus tie the life prisoner to existence with motive that should at once enlist his best efforts for himself, for the state, and particularly, for those of his household against whom the punitive measures of the state directly and indirectly operate.

With habituels the case is usually and essentially different; as different as is commission of crime while the perpetrator is under extraordinary mental or physical stress, from habitual criminal action by cool, calculating selection.

Whether out of the heart as it should be, or from the standpoint of self preservation as it may be, society in the end will be forced to put forth its last ounce of reformative effort to reclaim to the good, misguided of its members for whose anti-social deeds society is in appreciable measure responsible. Clearly, also, will society be obliged to discountenance from A to izard of criminal procedure, the acts of those of its units whose

admitted vocation is to prey upon society. For such, the system of education and training hereinbefore thoroughly outlined for habituals, imposes a liberal tax upon the state. That the said system would, in isolated cases, indefinitely cut the prisoner off as a bread winner, is an unfortunate feature of a necessity, in the creation of which the habitual is the chief architect.

While they operate as such, the great mass of habitual criminals are of no real use or benefit to any child of God; hence, for them we will judiciously institute and prosecute measures of reform, if we do so impartially with regard to the type. In attempt to differentiate special cases, we should confront a labyrinth of diverging lines of action, any one of which might unjustly demarc it from the one or ones it bisects. Whatever else they may do or leave undone, prisoners seldom fail to resent grant of special privileges;—this silently as a rule, and the more troublesome, because apparently expressed in motiveless, intangible acts.

Wholesome amusement, mainly of the light variety in plenty, after working hours, for both life and habitual prisoners. The masters of music and verse should have place on related programs;

—indeed, however simple the numbers, they should be selected with the idea of contributing to the aesthetic conception and moral tonus of the men.

Particularly on the habitual division, such amusement program should call for a down-to-the-ground talk on one of the following named subjects:—travel, history, nature studies, hygiene, sanitation, physiology or elementary psychology. In connection therewith the stereopticon should be employed, and, as near as may be, land the men at the feet of nature.

Simple and direct religious instruction is presupposed for all state institutions. Exemplars of creeds should be given free rein as the spiritual mentors of the men, with whom they should establish the relation of trusted friends and counselors.

Conceding to them broad sympathies, open minds, love of a virtuous fight against vicious odds, aptitude to **distinguish between** and minister to big things of the heart and little things of the mind, and men of the cloth may reap a harvest in prison work, possible in but few other fields. Finally, and necessary adjunct of all of the foregoing, society at large must actively interest

itself in those it returns to free, from prison life; this alike for paroled juveniles and habituals. The latter are not infrequently impelled,—“hounded” they call it—into the commission of crime through over supervision by the police, the justice of which is never apparent, and the reasons for which, if known, would sometimes mark alleged agents of the law as the lowest of mean, low criminals.

CHAPTER IX.

HOUSES OF RECEPTION.

As to institutional care and classification, we have accounted for prisoners through the convict grade. We have yet to devise rational means, by which, prisoners of all grades may be suitably housed and circumstanced during the detention period preceding trial. Necessarily, any plan proposed must coincide with institutional classifications hereinbefore specified. We suggest therefore, **Houses of Reception** as follows:—

- (1) Class “A”—For boys between six and

nineteen years of age, for the first time arrested and confined. Classification into two divisions. First division, boys six to fourteen. Second Division, boys fourteen to nineteen. Individual cells, communication between divisions prohibited. Communication between prisoners on their respective divisions regulated, through classification by character into military companies.

Class "B"—

(2) For ordinary recidivists, and first offenders over nineteen years of age other than those held for commission of capital crimes.

Classification into two divisions. First offenders to be kept religiously segregated throughout the system. Single cells, communication between prisoners prohibited in both divisions.

Class "C"—

(3) For habituals and those committing capital offences. Classification into divisions in the order named:

Base, or particularly refractory prisoners, to be transferred from the first to the second division on which cellular life for prisoners who habitually and persistently exert pernicious influence upon the mass. Isolated individual cells to be specially constructed and appointed to receive such

prisoners, with run-ways for exercise, and sufficient room to contain apparatus for work, at which they should be kept for a period covering the usual working day.

The average number of prisoners temporarily confined in New York State is something like two thousand; a thousand or two, more or less, one way or the other would not signify, so far as the fundamental plan is concerned. For the number given, then eight houses of reception, two of each grade, judiciously distributed over the State, with special regard for proximity to crime breeding centers. This would give a population of two hundred and fifty to each house of reception,—less than one-fourth of the number of men ordinarily housed by the New York State Reformatory at Elmira.

Systematic and comprehensive trade or scholastic instruction would be impracticable, if not impossible in such institutions, but with ground floor mess-halls, and a spacious one-story building which might easily be made to serve the purposes of Armory, Assembly Room, Chapel and Gymnasium, the following schedule could be carried out. Such schedule would meet hygienic and physiological conditions, and keep the men or boys rea-

sonably on the move from 6 A. M. until 5:30 P. M.,—or for the period inclusive of regular working hours for mechanics in free life. It is fully as rational as the daily duty chart of a regular army post, and offers positive aid to character building not included in the said post exercises.

Reveille—6:00 A. M.

Military Calisthenics—6:20 to 6:50 A. M.

Breakfast—7:00 to 7:30 A. M.

Company or Battalion Drills—8:15 to 9:45 A. M.

Historical, Physiological or Nature Study Lectures—10:15 to 11:30 A. M.

Dinner—12:00 to 12:30 P. M.

Gymnasium Exercises—1:15 to 3:15 P. M.
Two divisions, one hundred and twenty-five to the division.

Dress Parade—3:45 to 4:45 P. M.

Supper—5:00 to 5:30 P. M.

Evening Reading and Study—6:00 to 8:45 P. M.

Tattoo—8:45 P. M.

Taps—9:00 P. M.

It may be objected that military training would be impracticable under comparatively short detention periods and constant change of popula-

tion. As to this, the writer taught a regiment of over seven hundred boys the "setting up exercises," how to move in company and to assemble for the ceremony of Dress Parade, in a little over sixty days. This in a room thirty by sixty feet in the clear. No doubt like initial work would be difficult and awkward, just as the writer found it to be in the said room, "thirty by sixty feet in the clear". But the system once started, and thereafter properly directed, would take care of itself. Theoretical school for inmate officers, and the most exacting as well as painstaking squad instruction, go with all well-ordered military practice.

Another objection rests in the probable added cost of transportation to and from these institutions, compared with like expense under present conditions. Since the grand majority of native criminals are the product of cities of the first and second class, the difference in cost of transportation of prisoners to and from them would no doubt make quite an item. This objection, however, would be more than balanced by the advantages accruing from the speedy removal of the prisoner from the immediate vicinity of his transgressions.

Again, in considering crime-breeding conditions and alleviation of the same, the state will ultimately be forced to less penurious methods of procedure. As a matter of dollars and cents, it is cheaper to institutionally educate and train a young law breaker ONCE, than it is to house and care for him during the major portion of a life of criminality. Economically considered, to just this the criminal problem reduces itself, and the sooner the good people view the question through dollar and Christian, instead of through penny and heathen glasses, the sooner will the tax rate for the care and maintenance of violators of public law stand in reasonable ratio to the total of money and effort expended.

The percentage of criminals in America to the total population is a blot on our civilization and an offence against God. For specific and general criminal expression, American society is responsible at least to the extent that it should afford every unfortunate man not one, but two, and even three opportunities to get on his feet again and look his Creator squarely in the face.

When a man finds himself in a mood of sweeping condemnation, let him open the book of his own life, peruse leaf by leaf its pages, and then

say if he finds himself prepared to abandon fellows, the majority of whom are heredity's victims not only, but gutter trained, and impelled hither and thither by the waves of adverse circumstance.

Temptation, like all others, is a relative term. Resistance to evil means little to those who have little evil to resist; but, if there is a sacred responsibility to which mortal man is heir, it is to make right use of his power to do good. Particularly, to do good to and for those tempest-tossed souls on whom rests the cold and leaden hand of fate.

CHAPTER X.

SUCCESSIVE STAGES OF EMPLOYMENT FOR OFFICERS.

SYSTEM OF IDENTIFICATION.

PENSION FEATURES.

While it has been our chief aim to enlist the higher sympathies of the reader as to all circumstances attaching to the processes of helping in-

trinsically good men and boys to regain dominion over themselves, as well as to assist bad men and boys to become better men and boys, we have not thereby lost sight of the practical and economical sides of the question. Having both in mind, we tentatively suggest the following modifications of the present method of employing officers for the prison service. We again use the word "prison", in the sense of deprivation of liberty. It is applicable alike, therefore, to the Primary Industrial School and Convict Prison.

(1) Officer houses of reception originally with tried and experienced men. Thereafter, and having passed the customary Civil Service examination, all applicants for minor positions in state reform institutions to serve at least six months in one of the houses of reception, at the rate of thirty dollars per month and found,—before allowed to try the final examination for the regular prison service. Said applicants to be required to pass a further and written Civil Service examination, pertaining to the care of and supervision over law breakers of their prison grade.

Successful candidates are now available for permanent employment in institutions corresponding in grade with the one in which they served

their institutional apprenticeship. Failure to pass final examination should further extend the probationary period three months. A second failure at final examination should ordinarily cause the applicant to be dropped. Thus should we exclude from the work those mal-adapted to it, at the same time establish a practical and economical training school for prison officers.

(2) The term "minor" would include all positions from center to circumference of state institutions, paying less than one hundred dollars per month, excepting only teachers, instructors, and positions for which other than institutional training is required.

(3) Make the salaries for like positions uniform throughout the prison system, then inculcate into the system the admirable British pension feature with the service limit extended five years. At the end of fifteen years of consecrated and efficient service, grant a pension of one-sixth of salary with one sixtieth added for every additional year of like service up to four-sixths of salary, which would constitute the pension limit.

(4) In reason, make the service agreeable to and attractive for young men of high potential.

Avoid penurious restrictions as to diet and hours. Avoid as well, deprivations or taxation as to officers' quarters which mean comparatively little to the state, but much as a matter of principle and fair play to men, than whom few others are engaged in more exacting, dangerous, consecutive or scientific work. To require a man to do emergency night service and charge him for lodging while performing it, seems not to be nominated in the bond of fair exchange. As logically charge a paid fireman for his "bunk", or a nurse for her bed.

(5) Superintendents and chiefs of departments of houses of reception should be experienced and exceptional men whose appointments for and retention in the service should relate to no other influences than that attaching to tried ability and special fitness.

(6) Establish and highly develop in Class "B" and "C" houses of reception, a Bertillion Department of Identification, which shall include full measurement and photographic apparatus. Previous to trial, and after the usual Bertillion method, promptly measure and photograph all prisoners received in the said houses of reception, and as promptly send copies to the State Bureau

at Albany, together with transcripts of the institutional Biographical Records. Superintendents of houses of reception to keep the chief of the State Bureau informed as to the time of disposal of cases, prior to which time the said Chief of the Bureau of Identification shall have placed in the hands of the Magistrate to commit, full information as to mode of life, age, criminal career, etc., of prisoners at their hands to receive final sentence. Such system would leave no excuse for false commitments as to age or institutional selection now so common. Should doubt exist as to the criminal status of a man,—in the case of an alien for instance,—he should be closely confined in the class "B" institution, until exchange of information could be had with the International Bureau at Washington.

Public opinion is divided as to preference, between Boards of Managers with local visiting members, and fully centralized state authority for state penal institutions. Whatever may be said of the average proceedings of such Boards, few may be found to disparage, or fail to appreciate efforts entailing time and money loss, put forth by the grand majority of members for the sole purpose of bettering the spiritual and corporeal

conditions of unfortunate men. The collective influence of such men is nearly always good, but the chief and all sufficient reason for the existence of local managing boards rests in the fact that they stand in perpetual check to exaggerated autocratic power within, and undue political or other non-reformative influence without prison walls. In the absence of negations as weighty, we would therefore favor local boards for houses of reception—as local as possible,—not over six members to the body, carefully chosen as to fitness, and so circumstanced as to be able regularly to perform exacting and gratuitous, if honorable and humanitarian duties.

CHAPTER XI.

DISCIPLINE,—GENERAL.

The term discipline does not commonly convey universal meaning. It is ordinarily accepted in the narrow, limited and punitive, rather than in the broad, unlimited and educational sense. Institutionally considered, we are apt to think of

it as abstract means to an end, instead of as the much-to-be-desired end of all means.

The correctional and preventive offices of pure restraint are easily within mental grasp, but the carrying power of discipline as a remedial agent regulating mental, moral and physical habit, is quite liable to escape us.

Comprehensive construction of this word makes it stand for everything that conduces to individual adjustment to subjective and objective laws governing altruism and racial solidarity:—particularly and essentially the latter. Any institutional system of discipline that does not comprehend such fundamental catholic definition, is false in structure and, in the end, must disappoint.

Reduced to a simple definite sentence, we may say that discipline is the art of self-government. Self-government presupposes dominion over impulse. Dominion over impulse means cultivation of inhibitory power capable of checking or modifying abnormal demands of mind or body. This power of self-arrest relates not to some of, but to the sum of human experience and endeavor. It has root in every mortal truth implanted in the heart of man; in every rational act physically perfected; in the physical good, cap-

acity for enjoyment, and spiritual elevation accruing to those who keep close to the feet of their Creator, as does its opposite in the physical and mental retribution visited upon those who break laws inevitably governing reproduction, evolution and longevity. In opposed result yet related potentiality, we find it manifest alike in the facile brush of De Vinci and at the points of the immovable bayonets of the English and German squares at Waterloo. So, whether we employ the term as criminological disciples of the theological and spiritualistic, or of the material and anthropological school we will, if wise, grant it the scope accorded by Milton when he wrote: "Discipline is not only the removal of all disorder, but if any visible shape can be given to divine things, the very visible shape and image of virtue."

The institutional disciplinary officer finds himself charged with a task literally akin to the Miltonian conception of the word that he represents. His is the responsibility for the "removal of all disorder" not only, but he must accomplish this in such a manner as to "give visible shape to divine things" in his own mind, while conveying such "images of virtue" to the minds of those

over whom he is supposed to exercise the office of mentor as well as correctional agent. But it is not within the power of any one, two, or even three men, however willing and skilled, to give proper individual attention to every incipient non-reformative manifestation occurring amongst a population of fifteen hundred, in an industrial prison covering hundreds of acres of ground, a goodly portion of which space is within walls and occupied in the main by detached buildings. Hence, every officer of a prison is in sense and should be, an auxiliary disciplinary officer. He should be carefully charged with and naturally feel, not be MADE to recognize such responsibility. In the nature of things, a green officer must be guided and admonished, but the necessity for repeatedly visiting upon him coercive measures, almost invariably means that he is either ill-disposed toward, or non-adjustible to the work. Supposing competent chief and assistants, and well-balanced corps of subordinate officers trained in Houses of Reception, as hereinbefore recommended, and we offer the following disciplinary suggestion.

CHAPTER XII.

DISCIPLINE,—SPECIFIC.

One of the chiefest and safest disciplinary rules is,—**NEVER SUPPLY A PERVERSE PRISONER WITH THE FORMULAE OF HIS INSTINCTS.** Yet, rational in principle and generally sound in practice as is such specification, even it may not be universally applied. Guyau, in his admirable treatise on "Education and Heredity" makes it invariable, but practical experience with prisoners demonstrates that it admits of limitations. We are, for instance, unalterably opposed to cellular confinement as a common punitive means; but to an ugly, neurotic, insubordinate prisoner, habituated in free life to work and wander by spells, yet constitutionally demanding action of some kind, enforced idleness following **REFUSAL TO WORK** often proves the most onerous and efficacious of punishments. Such instance, however, is cited as an isolated exception. Like disposal of a shiftless and indolent, while

refractory prisoner, would in very truth, "afford him the formulae of his instincts" to lounge and loaf.

In line with the original proposition, it is noted that the law of suggestion is most commonly violated in dealing with prisoners. To tell a man that he is bad, or as bad as he can be, likely as not will cause him to accept your valuation in the first instance and govern himself accordingly; and in the second, to impel him to outrageous exhibitions of insubordinate lawlessness. You have added to the prisoner's natural propensities the force of hypnotic suggestion; a subtle, intangible influence; one of which the prisoner will not be intelligibly cognizant, and for which he will seek all kinds of excuses. In such case as that named above and in explanation of a given act, he would probably state; "I have the name and may as well have the game." It is true, that only about thirty per cent. of normal people are markedly susceptible to hypnotic influence, a much smaller percentage fully, but all more or less so. We have never seen reliable data in the matter relative to criminals, but in view of their well-known limited inhibitory powers, we may safely conclude that they are more rather

than less amenable to words of conviction impelling them to a given line of action, than are those vigorously gifted mentally. Considered from any standpoint, the words of a brute have no more place in the scheme of reformation than have the acts of a brute. The safest, best, and we believe only scientific method, is to lead prisoners to believe that they can be as decent and manly as you wish them to be.

In order to be effective, the words of a disciplinary officer must carry earnest conviction not only, but they must pass the lips of a man, who, in his daily intercourse with prisoners, exemplifies that which he seeks to convey. Good example is the silent partner of good suggestion. These two influences are the most serviceable members of the institutional disciplinary body.

It is difficult to tell when a punitive measure ceases to be operative. It is more difficult to prescribe amount and kind of discipline sufficient to discourage the offence and not discourage the offender. Generally speaking, a correctional agent is not operative, if after repeated inflictions it is not remedial. Such condition is positive enough evidence that our young man holds our agent cheaply, and we will wisely seek other means; not

necessarily more vigorous means, but other means. In the second instance, general rules are dangerous. We may only take care that we cut out disciplinary garment to fit the intention rather than the result, that we do not positively construe negative cases, and do give prisoners the benefit of all doubts.

A prisoner is never less than an unfortunate man and is seldom oblivious of the fact. Other than his contempt, nothing is to be gained through attempt to force this truth down his throat.

"Incorrigible" is a term that describes the incapacity of officers or irrationality of the system that they represent, rather than it does inherent and unchangeably base character. We have never seen a sane prisoner that we so rated. When a man appears to exemplify such character, we shall find upon careful study and comparison, that the case is afflictive rather than inflictive; that the prisoner is the victim of acute or chronic deviations as marked as those noted in the confirmed neurotic. We have known weak, restless, imitative, quick-tempered, extremely combative and improvident prisoners; prisoners who entertained habits of thought and mental images con-

ductive of extreme animalism; which fact in large measure accounted for their mental and physical deterioration and moral corruption, and in the same measure for the associated fact, that connected and concentrated mental and physical endeavor was with them a matter of compulsion.

We have dealt with those to whom the good results accruing from institutional education and training were seemingly a matter of indifference or absolute distaste. Seemingly again, these men were reliable only in their infractions of institutional rule; constant only in contempt for authority and government; liars even when the truth would best serve, and habitually dishonest from choice. Yet, years after our institutional contact with them, we have met them as honest, thriving, respecting and respected units of the Metropolis, and—we learned a never-to-be-forgotten lesson as to “incurability.” When, after having been institutionally circumstanced as they should be circumstanced, prisoners lapse into criminal careers following parole in anything like the percentage now obtaining, we shall admit the proper application of a word that serves to cover a multitude of social and institutional sins.

Waiving technical hypothesis as liable to ob-

sure if not mislead, may we not say that any fixed breach between right and wrong, in or out of prison, is the result of habit,—hereditary, acquired, or both? That in the broad sense, CRIME IS HABIT and the offender the victim of it? We need summon to our aid neither theory nor imagination in support of this self-evident truth, since we are one and all examples of the tenacious and automatic promptings of habit. It is temperament, desire, ambition, endeavor, result. It puts to sleep,—regulates pulse and passions, and governs daily course and intercourse. It is the common highway leading from cause to effect. As its inception, insinuating and alluring rather than aggressive, it is nevertheless ultimately and inevitably either our helpful friend or uncompromising foe.

That instinctive habit is transmitted does not admit of reasonable question. Something over one hundred years ago and through the aid of leather appliances, a Rhode Island country gentleman of the old school changed the gait of his horse, and made the same agreeable to the fastidious taste of his lady. As a result, we have today the confirmed “pacer” that knows, and the colts of which usually know nothing but “pace.”

Change the "leather appliances"; persistently reverse the method of training, and who shall say that in another hundred years we could not carry the pacing family back to its original and natural gait. But not in one, two or five, probably not in twenty-five years. Here we have the key to the situation of the almost submerged fraction classed as "incurables." In our institutional treatment of these men we do not in the proper sense realize that natural laws work both ways, and that time is a cardinal factor in either case; that sin expressed in the habitual act is adhesive as well as seductive; that bad blood is no less persistent and consistent than good blood, and that compulsory action is always less agreeable and generally less vigorous than voluntary action. While not essentially germane, it is pertinent to observe at this point that, if crime is relative in intention and execution—and we cannot doubt it—any number of cases classed as complete failures are far from such. If, for instance, it means a great deal that the "thug" remains so in spite of reformatory training and education, it means a great deal more to himself and to society that, because of it, he is led everlastingly to respect the command, "Thou shalt not kill." As to this, we

have good and sufficient reason to know that the trite expression ever at the lips of the easy-coming and going idealist to the effect that "reformatories do not reform," is not well founded if deemed well considered.

A significant proportion of those committed to reform prisons at once realize the fact that, if for appreciable period they forfeit full freedom of choice, they gain an unusual opportunity to discipline body and mind and become resourceful, law-abiding bread winners. With men of this character we experience little or no difficulty. They start prison life with the conviction that it was an all around bad thing to get into prison, and that it is an all around good thing to get out as soon as possible under rule. Necessarily, therefore, their offences are negative as to intention and result, and discipline for them means occasional encouragement, advice, admonition or purely nominal fine. In the main, they are paroled at least comparatively skilled,—respected and respecting.

Another, say the middle class, and those always easily comprising the majority of the population of a reform prison, are well intentioned. They are usually generous and amenable to rea-

son, fairly honest and truthful, willing, faithful workers, openly commit offences evidencing lack of control and oblique judgment rather than those expressing instinctively base character, and manfully accept and bear consequent deprivations and punishments. For such, the pull is often a long and hard one, but the general toning effect of reformatory training and education is positively assertive in the end.

A third class, comprising approximately twenty per cent. of reform prison musters, present a disciplinary problem that constantly engages the best thought and efforts of practical penologists the world over. No term yet advanced seems exactly to express these men as they appear to us in thought and action, day by day, year after year. That they are incorrigible,—bad beyond possible amendment or repair, we are far from admitting; yet the prodigious fact that we do not permanently reach the grand majority of them is as apparent as real.

With Lombroso and others, we may account, in their way, for human products of the centuries; for the brute predisposed, well night predestined to kill, as well as for the thief born, educated in and habituated to his trade; but no analysis of

crime or of the criminal yet advanced, satisfactorily explains the repeated and persistent lapses of the heirs of generations of good blood, who were subject during the plastic age to the most approved environment, example and education; men abundantly able on favorable occasion to demonstrate more than average ability to discriminate, limit and compare. Instancing this, we note that prisoners who are the most terse, direct and ethical in debate, frequently evidence by act the greatest moral density. Whatever the solution of the problem, we shall not reach it through abstract study of man. Given a certain number of such cases to define, we shall get at the truth only through beginning at the cradle of each and tracing one by one his foot prints up to and through his institutional career; for, a prisoner's environment bears relatively to the same relation to his reformation, as did his environment in free life to his criminal act or acts there registered. Thereby will be unfolded a tale so common and so inevitable in sequence, that it would seem parents might one day arrive at an understanding of it other than through self-inflicted incision into their hearts of the darts of despair. No need of going at length over the old story. First, the "will"

and "wont" in the home negatively disciplined if disciplined; by fond mamas and papas lightly passed as petty exhibition of perverse temper, carrying nothing more serious than strength of will and purpose. Just so; but bad will and bad purpose, mixing with the clay of character, to be refined out again, if at all, in the unyielding crucible of hard knocks. Next, violation of home rules relative to course and intercourse. Particularly, the lad "stays out late at night" and does not give a satisfactory account of himself,—notwithstanding the fact that he commonly employs carefully calculated deception and untruth in explanation of sins of omission and commission,—neglecting his studies as to the first, and wasting physical and material substance as to the second. Next, vicious association, then bad practices, then frequently the saloon, the gaming table, the brothel or all three,—depending upon pecuniary and other circumstances. If the metal of our young man is intrinsically good, as is that of most young men, there will occur at this point a struggle within between divinity or sanity of spirit, and that which might fittingly be termed insanity of desire. He will try hard to shunt the influences which have taken hold of him, but the inflexible

and automatic finger of *habit* points time and inclination, auto-theism to which he has been educated furnishes the excuse, and constantly emphasized auto-suggestion gives the finishing stab to resistance. In the next and final stage, we view him the slave of *habit*. Impulse to do wrong grown inveterate through repeated yielding, one day leaves him without power of self-arrest. He is become habituated to abnormal desires of mind and body, to gratify which he cannot command legitimate means. There is but one other course open to him and he takes it; would take it if it involved the shame and sorrow of a half dozen mothers and fathers, since he is now firmly in the grip of cravings that paralyze will and the finer sensibilities and take hold on eternity. If his parents have means, the pecuniary burden involved falls upon them, frequently to the last available dollar in the family coffer. It does not signify; nothing signifies except satiation, and if his parents cannot keep his head above the waters of degradation, he takes one or another route to the felon's cell, or, in a misguided, yet otherwise sane moment of self-abasement and condemnation, impels himself into the great beyond.

We have drawn a reduced but faithful pen

picture of the kind of a case that usually offers the most stubborn resistance to reform treatment. We might go on much in the same way and define each individual so-called "type" of "incorrigible"; but we would only thereby differentiate hereditary, instinctive and degenerate, yet, if predominating, not necessarily predetermining traits of character, and those peculiar to and acquired by the subject. Whether in the blood, or out of the heart; whether we consider atavistic or mainly egoistic manifestations, we must again and again face the fact that they are results of, or result in *habit*. As men thought generations ago, so in varying measure are men today. "As a man thinketh in his heart so is he" today- and so, modified or intensified by the cumulative circumstances of their lives, will his children's children think.

Adding our figures of degeneracy from beginning to end or from end to beginning, we mark dissimilar motives but always get the same sum,—HABIT: a sum not so deep as the "well" our forefathers in full zeal named 'perdition', and labored so diligently to keep closed; neither so "broad" as the "door" of incorrigibility which, in over-confidence in the essential sanity of the

human spirit, we swung wide open, but, like the thrust aimed at the heart of Mercutio, "enough," if carelessly parried. The simile is not inapt, since our friend of the House of Montague lost his life through contempt for, rather than because of the skill of his adversary, which skill, while not consummate, was yet fatal as the event proved.

Certain transmitted and certain acquired tendencies constantly impel to anti-social thought and action. Expressed in the habitual act, they stand a menace to altruistic purpose and endeavor, but that those possessing them are to be classed as stricken children of fatality, pre-destined or relegated to a life of badness beyond amendment or remedy, is sufficiently negatived by the reformation of untold thousands of prisoners, than whom few have ever been more sorely afflicted or tried.

As there is no well recognized insane or criminal "type—" alterations in any two given cases being dissimilar and variable,—there can be no standard type of "incurable". Further, and we think vitally significant fact, for every one of those so named, we may pick counterparts in free life, who are thoroughly self-respecting and law-abiding.

So long as the state blinds itself to the fact that it is economical and much more christian to at once and for all educate and train law-breakers, than it is to play fast and loose with, care for and supervise them during the major part of their earthly career, so long shall we add to rather than remove from the ranks of those to whom we so lightly attach the stigma of a doubtful term.

Grant that which we do not allow; let us say that the process of reformaion for the heavily handicapped fraction involves more than substitution of capacity and orderly adjustment for incapacity and disorder of adjustment, mental, moral and physical, to social and legal requirements. What then? Would such fact negative or emphasize the conclusion that uncommon and extraordinary cases demand special treatment? If we cannot escape the second hypothesis, how may those responsible excuse a pecuniary policy that makes such treatment impossible?

If a physician may not cure all diseases namable by him through prescribing Salo Pills, sunlight and solitary rest, a reform prison may not cure all defects to which man is heir with poor tools and quantitatively poor food, while subject to the direction of men who, with laudable purpose

but fatal execution, adjust their ideas of the needs of the class of prisoners under consideration to a low tax rate.

We cannot establish a dead level of care and treatment for all prisoners. No set reform system on earth, however good, will reach every individual case. You may train the extremities, adorn the mind, strengthen the will and purge the morals; you may do all this and reform the spirit as well, but, if in the process you kill the body, your man is quite liable to wax a bit moody and cross about it and insist that you have done a bad job. You have, and you improve upon your work only by the difference between life and death, if you do all else and fail to "reform the spirit". All the physicians and disciplinary officers in christendom cannot restore hold on life or buoyancy of spirit to an advanced tubercular patient, in whom morbid combativeness and unreason are merely symptoms of affliction peculiar to a disease that has been known to take root in so simple, yet so serious a cause as insufficient amount and variety of nutrition.

As a systematic means of renovation and to bring about balance of physical parts, nothing is more efficacious than scientifically prescribed and

directed gymnasium practice; but such practice entails extraordinary thermal loss, to which diet must be adjusted, or our remedy may prove at least as bad as the disease for which it is prescribed.

Any kind of tool processes are better than no tool processes, but for control defectives particularly, they must be so ordered and supervised as to best conduce to balance of faculties: This comprehends liberal supply of the best of good tools,—material and human.

Reformation resides in the spirit with which work is done; not in the amount or kind of it. It is true, however, that the best evidence of reformation is generally found at the finger tips. Hence we say that the manual skill of prisoners should be developed to the highest possible standard of speed and accuracy. Employers demand both, and we have to fit these men to meet the exacting condition,—else they go down.

It takes a master to bring pure tone quality out of so simple an instrument as the violin. A relatively slight physical ill frequently baffles the physician of years of experience, and commanding skill; yet we perforce relegate degenerate man,

without parallel in the complexity of his needs, to the care of men absolutely without training for the immense task, and in far too many instances, possessing few, if any of the qualifications a prison officer should exemplify.

A prison officer should be firm if kindly, and we emphasize the latter; generous while just, and we emphasize the former; tactful with the serious offender if uncompromising as to his offence; quick to grasp a situation and resourceful in meeting it,—meaning with good judgment and so as to produce the minimum amount of friction; given habitually to earnest, vigorous effort, and consecrated to his work because in sympathy with and adapted to it. Even so, he might have under his charge at one time or another, prisoners his intellectual superiors, but they should ever look up to him as a kindly, well-rounded man of undoubted integrity and worth. Such men are not to be had and kept for the money the state now pays.

The work is confining, lengthy and unusually consecutive, and competent men naturally seek more lucrative employment affording increased chances for pecuniary and personal advancement. The state may wisely put a money premium on

the service of those in the highest sense fitted for the immensely important task of aiding fallen man to rise to his natural state.

CHAPTER XIII.

DISCIPLINARY FACTS, QUESTIONS AND CONCLUSIONS.

Notwithstanding the well known fact that economic and social conditions furnishing motive for unlawful acts grow more complex year by year, we are struggling on much in the same way with the same, or less than the same tools of twenty years ago. Further classification and segregation is imperative for the grade of prisoners who, in spite of our best efforts, elect to be and remain at war with ordinary prison regime and with society. A rigid and compulsory, yet paternal system of discipline should obtain, and then with the last officer, tool, book, appliance, structure, or article of food bearing the stamp of advanced and approved method, we must be supplied, if we are to meet the exactions of men grown automatic in

their manifestations of law breaking and health-destroying abnormalities. Retrenchment as to necessary expenditures here, means a sustained criminal, if otherwise abbreviated career for the prisoner, and growing menace to the state, both as to the number of offenders and the character of their crimes.

It would be fully as well, if those wedded to a practice seldom productive of permanent good, and which frequently works positive disciplinary harm, would, while listening to them, make proper allowance for the highly colored, not to say glaringly false tales of a class of prisoners who are at once pronounced egoists and liars from choice. As to righting of wrong prison conditions, individuals should not count in any spot or place. Respectful communication should be as free in as out of prison; but it is an abuse of disciplinary principle to allow prisoners to burrow under the feet of the chief house custodian of their interests. Having tried and failed to command the attention of a Superintendent in the matter of amelioration of real or imaginary ills, a prisoner may rightfully address the superior or superiors of the Superintendent. Otherwise, we may much more profitably give our time and attention to the formation and

direction of specifically related societies for the aid of worthy ex-prisoners incapable of placing themselves to advantage following parole. This important auxiliary field of reform is comparatively barren and sadly needs cultivation. Workers are found in it, but their efforts are disorganized and disconnected.

Tried officers should not be lightly condemned even in opinion, on the evidence of felons, many of whom rather pride themselves on their ability to assemble and serve false testimony. In any case, the burden of proof should be upon the prisoner. Failing to establish his case, he should be turned over to the disciplinary officer. We call to mind no ethical reason why a slanderer but otherwise law-abiding free man should be called to account, if a many and serious offence law-breaker may flippantly indulge slanderous propensities. It may be properly noted, that such characters are commonly recruited from a class of prisoners who are habitually at war with both prosperity and adversity. In the parlance of fellow prisoners who, under exactly the same conditions work shoulder to shoulder with them throughout the system and serve months to their years,—they are “chronic kickers”; never justly rewarded and al-

ways unjustly taxed. To be sure, these cases frequently reduce to incipient mental obliquity nearly invariable; but even such deviation, far from being arrested, is both invited and intensified through the exercise of ill chosen suggestion and misguided sympathy.

“Thresh” the disciplinary “Corn” then burn the disciplinary “straw”,—yes; but let us make sure that we do not reverse the process.

One of the important duties of institutional disciplinary officers, is to lead prisoners to manfully bear trivial, inconsequential ills; another, to teach them that it is cowardly and low-lived to whine about prison conditions for which they are mainly responsible, and with which, they will have to do daily battle in free life; a third, to remind them that prison is not and is not meant to be patterned after our conception of Paradise, and that to obey orders and keep their tongues between their teeth are two valuable lessons they may learn. Prisoners who accomplish this, seldom have occasion to go over the head of their Superintendent.

We are prone to forget that certain contempt for the whole system is inevitably associated in the minds of prisoners, with careless criticism of

officers charged with its direction. Such method would not for an instance be tolerated in commercial or industrial life. Why institutionally unfit prisoners to assume free life industrial and commercial responsibilities,—especially, when above all others, the employer prays to be delivered of the whining agitator?

It is not too much to say that the prison usefulness of the best of men is too often negated by the mere expression of broad sympathies, which, through at least peculiar processes of intellect, they assume to be singular to themselves, and particularly, to be omitted from the clay out of which prison officers are made,—regardless of position or personality. As a matter of fact, the essential difference that distinguishes institutional men of high grade and noble parts,—and there are hundreds of them,—from bankers, or lawyers, or ministers, or any other of the same grade and parts, is that relating to method. The experienced penologists never loses sight of all factors bearing on the reinvigoration, rejuvenation and regeneration of prisoners. The professional man sometimes starts in blinded to all else, and, out of his good heart, pounds on the sentimental side of the question. A certain and constant percentage

of prisoners are given to querulous, unfounded complaint. Reform machinery, while of immense proportions and many sides and angles, is extremely delicate of adjustment. A single unguarded sentence out of the mouth of one high in authority, is all sufficient to cause friction of its working parts. In the meantime, the damage induced by ill-advised word or deed is done. Therefore, we must adjust and re-adjust to individual peculiarities of thought and action.

“All very well”—say our friends,—“but how about the brutalities not so many years since practiced upon prisoners the country over, which men like ourselves were instrumental in abolishing? How about balls and chains, shackles, and dungeons resembling ‘the hell holes of Egypt’ for comparatively youthful and subordinate prisoners”? Bad, very bad; unthinkable and impossible in this enlightened twentieth century. We have always been opposed to every form of non-reformative attachments for prisoners, other than those necessary to keep them housed as such, and we believe all kinds of “dungeons” to be an abomination. But does ill-advised punishment imply no punishment? If so, why not follow the question to its logical conclusion and ask by what

moral right we deprive a man of liberty and thus visit upon him the most onerous of penal methods? Having done this much and as well found that one or another form of the "abomination" noted aggravates the average case; further, that "moral suasion" in a given instance, seems only to embolden the prisoner to do more wrong of a graver nature,—WHAT NEXT ?

You can't adjust the minds and bodies of all mean, insubordinate, or depraved prisoners, to mental and physical habits of subordination, self-arrest and self-helpfulness, through the imposition of solitary confinement, or one or another form of compulsory, yet semi-recreative exercise. By employing the first named and often ill-advised mean means to an end, you can fasten upon the prisoner iron bands of physical, mental and spiritual deterioration, compared with which the results accruing from the ordinary use of condemned and discarded methods were humane.

Should an American penologist suggest British or like disciplinary measures for American penal institutions, he would be outlawed as an unfeeling brute. Yet, such measures carry the best of care of and greatest consideration for worthy

prisoners during confinement, and following parole or discharge.

While incarcerated in a British prison, no man need feel other than the velvety touch of the government; but, attempt to purloin his bread out of the sweat of the faces of other prisoners, subjects him to the iron hand of coercion and the natural punishment; that is to say:—requires him to perform more than his usually allotted daily task under more onerous conditions. No lounging or loafing in cells other than for observation is tolerated. **ACTIVITY** is the watchword of the British system, and we seem not as yet to have employed a shibboleth as rational or means as effectual to make prisoners free bread, rather than institutional bed winners.

As nearly as we may parcel prison influences that are interdependent, we should say that the effects of institutional scholastic and trade instruction relate to the ability, and that the general disciplinary measures, including military training, have special reference to the disposition of a prisoner to get out and keep out of prison. Let us simplify the proposition and say: If we are to carry through the outlines of a trade that it would take him four years to learn in free life, a prison-

er definitely sentenced for two and one-half years, we must necessarily keep him closely applied during the full hours of instruction included within his sentence. Every hour or fraction thereof lost to trade instruction, by just so much decreases his chances for skilled employment in free life. If we keep him under lock and key for a cumulative period covering say, one-fifth of his sentence, he will be much less than 80 per cent. a well rounded mechanic when discharged; first, because intermittent instruction breaks properly connected mental and physical effort; and second, for the reason that periodical confinement entails physical and mental depletion, induces inertia, and destroys appetite for work.

Obviously, the prime object of a wisely ordered industrial prison is to teach prisoners trades, down to the last essential details. Obviously again, such desirable consummation is not possible in the cases of an always positive percentage of prisoners, under a system of discipline that relegates them to secondary confinement for periods, in the aggregate covering one-fifth or even one-twenty-fifth of their maximum sentences. Hence we say: next to killing him, the worst possible use that can be made of a prisoner is to con-

fine him for extended periods; also, that the system of discipline that makes long periods of cellular confinement necessary, if not the worst possible, is fully as false in principle and result as the employment of metal symbols of cruelty and degradation, and is not to be successfully defended from any other than the viewpoint of exigency.

Formerly, prisoners were ordinarily subjected to comparatively short terms of cellular confinement with onerous attachments; now we commonly lock them for much longer terms WITHOUT attachments. Where, after all, the gain? In plain fact, is it the imprisonment or the attachment that works the greater harm to the man, and is not the very act of removing a prisoner for appreciable time from the regular routine, in itself, in sense, admission of weakness?

As a part of prison science, does not true discipline consist in imposing the minimum of restraint upon the individual, commensurate with his physical and mental adjustment to institutional requirements?

If cellular confinement is not restraint, what is it?

As to severity, or barbarity, or cruelty, or

whatever you like, is punishment the worse for causing temporary physical discomfort, or lasting physical ill?

Does not cellular confinement particularly invite misconduct on the part of certain prisoners of the "hobo" type, who would indulge inertia natural to the human and vegetate in their cells, rather than work out their salvation in and through a reasonably exacting prison system? If so, and it is so, why lightly lock such prisoners?

May any amount of restraint of kind whatsoever, ordinarily exert anything like the educational, softening and broadening influence upon the average prisoner, accruing to him from participation in the regular prescribed institutional exercises? If not, why not insist, in so far as judiciously possible, that he take consecutive part in those exercises,—spite of laziness, or huff, or one or another form of unreasonable self-will. In the interest of this desirable attainment we shall waive mere punctilio, and meet our man more than half way and judiciously, as to effects springing from causes inherent in and peculiar to him and to the system; but why not, in any case, keep him out in the institutional open and engaged at the various educational exercises? This, to

the end that he may obtain the greatest amount of instruction and training devised to habituate him to rational thought and action, while conserving his highest physical good.

Temporary isolation of a prisoner during moody and abnormal periods of depression or excitement, is sometimes as necessary as judicious; but extension of the detention period beyond his mental re-adjustment to institutional requirements, is ordinarily useless punishment and false procedure. Under such method, the prisoner loses everything and the institution gains nothing.

We may call secondary prison confinement by any name we choose; dub it "rest cure"; or "reception"; or "isolation"; or "seclusion treatment"; or by any other high-sounding and seductive title; subject the prisoner to the rays of the sun and thereby cajole ourselves into the belief that he has been permeated by the most efficacious moral and spiritual light; yet the fact remains that we have removed him from trade, scholastic, military and religious instruction and training, while relegating him to unhealthy introspection; and, because he is denied proper mental and physical activity, to exaggerated expression of nor-

mal impulses of physiological origin. If the latter, we are making a strong bid for insanity.

Consideration of special and extraordinary cases aside, any humane correctional agent is superior to one which, under the most favorable circumstances, superinduces mental, moral and physical deterioration. This the writer has demonstrated to his full satisfaction during a prison experience covering the better part of a life time, during which time he has been in the closest disciplinary touch with prisoners of all grades and ages.

In every penal institution there are always a certain number of prisoners who seriously transgress rules and regulations. Inciting causes leading up to such conduct are by no means identical, and not necessarily sequential. They may be singular, complex, or attach to mere force of bad example; inherent in or transmitted to the individual; emphasized by institutional or outside circumstances and conditions or both; even due to pre-natal influence having origin in so intangible a thing as a weather change,—or any one of a number of a dozen other causes namable offhand.

Generally speaking, we may not point to the specific influences that cause a prisoner to put off

egoistic and put on altruistic thought and endeavor; but we may confidently assert that they relate to that which contributes to sense culture or cerebral quality and development, as opposed to that which arrests the same. Every time a prisoner completes a perfect piece of trade, school, or military work, he contributes to the former, and every time we relegate him to prolonged cellular confinement, we challenge the latter.

We have employed many words to state a very simple proposition; advisedly so, for the reason that its relation to the broad question of reformation, filters through the minds of men, than whom none are more anxious to have good accrue to fellow beings,—however perverse.

We advocate no special form or forms of punishment.

We do not believe in singular methods with which to meet complex needs.

Commonize any punitive measure and you markedly decrease its carrying power.

A sure sign that a specific restrain is become in degree inoperative, consists in the necessity for giving it added emphasis; first, as to severity, and second, as to amount.

With cellular confinement the chief disciplinary measure unsupported by other and better checks to thug and rowdy manifestations, our reform prisons would reduce in general disciplinary tone to the level of the bowery lodging house; yet, for some years past, humanitarian pressure has been unwittingly exerted to bring about just this prison condition.

In a word, it may be objected against prolonged cellular confinement that it ordinarily accomplishes the purpose for which inflicted, only in those cases in which physical retrogression is so apparent as to appeal to the prisoner as a matter of self-preservation. Suffered by a headstrong, unthinking, indolent, mock-heroic youth, cumulative mental, moral and physical damage is not to be easily over estimated.

We have little faith in positive deprivations. Rather should we circumstance a prisoner as nearly as may be as he should be circumstanced in free life, then require of him to properly use and care for personal and institutional effects. Distinctions as to kind and quality are sound, but restrictions that tend to lower the level of personal or material neatness and cleanliness, or which attack the spirit through the flesh, are in opposi-

tion to natural and non-reversible laws of evolution.

However wayward the submerged twentieth, they are still God's children,—bone of the bone and flesh of the flesh of humanity. In marked degree, also, they are the creatures of economic and social conditions past and present. The greater their mal-adjustment and misfortune, the more sacred our duty to adjust our efforts to their needs, which, let us here particularly remark, as a rule comprehend nothing less difficult as an initial proposition, than purgation of their minds of a process of intellection become habitually licentious. If we may do even this, we do more than was accomplished for many of the blooded youths of Rome; a consummation surely worth while, and as desirable for the individual as necessary to the longevity of the republic.

These men, commonly the natural product of anywhere from twelve to twenty-five years of irrational thought and action, we affect to rehabilitate into approved special units in less than one-twelfth of the latter named time. Speaking for the grand average, it cannot be done; cannot be done under the most comprehensive and enlightened system of education and training.

Habits of a life time are not cast off and put aside by the mere turn of a tool and trick of the will.

True virtue has its being and sustenance in the understanding,—the helm which the will obeys.

Skillful means next to nothing to a man until he has willful under his feet.

Disposition, not alone ability to do and to bear, governs altruistic purpose and endeavor, therefore should, in proper measure, govern the release of the class of prisoners under consideration.

What use to a man a dozen trades with the history of each one at his tongues end, if he persistently and consistently, yet politely, states that he is a thief by choice, if not to the mode born and educated, and intends to continue to “pick his living” when discharged from the custody of the state. Such a case is no misty spook of the imagination; on the contrary, short-term prisoners are frequently given to like declarations and mean what they say. What is to be done about it? Whose is the responsibility, where the laxity and what the remedy? Answering the second question, we repeat that “responsibility is divided be-

tween society and the criminal." If society may not refute the allegation, and it appears that it may not, then it would seem that the burden is upon society to answer the three remaining questions agreeable to the mitigation of ill-ordered and inadequate prison conditions.

How long are we flippantly to pass up the fundamental truths that vice is long lived, and that unchecked, it eats its corrosive way to the very vitals of nations?

The reader has probably remarked that we have in no place specified particular amount or kind of punitive measures. We have not, for the reason that we do not believe in "particular amount or kind of punitive measures", generally applied.

The best disciplinary means become relatively inoperative at the hands of a man unfit and incapable, and the worst are made respectable, employed by one capable of mental as well as heart grasp of the limitations of any form of punishment.

Other than relative deprivations that take form in what we term abstinence, we cannot recall subjective punishment that may properly be named good. Objectively considered, we are sure

that no punishment is essentially good. If it entails so little as the loss of a moment of happiness, or imposes no more than a second of suffering, it is bad. Bad it is, every necessary bit of it. The very process of right living involves all sufficient associated ills without addition of those in sense artificial; yet intensive and extensive life without mental or physical pain is impossible under human limitations.

Pain, in one or another form, is the great universal monitor and educator of the human kind, and is meant to be. It is the mediator between the disaster a man courts and that which he escapes. Through the operation of no other thinkable finite means, could the Creator convey to his creatures the difference between good and bad, well and ill.

The writer may eat raw cucumbers if he so wills, but if he so wills, he wills ill, and will be reasonably certain to suffer disagreeable reminder. Eliminate physical admonitions common in such cases, and many of us would be sacrificed to vulgar products of the soil.

But the human organism demands food principles in synthesis as assembled in vegetables. It rests with the individual therefore to select kind and amount agreeable to his peculiar needs. No

two men ever sat at table and from a varied bill of fare ordered exactly the same viands, except as a matter of sympathy good fellowship.

So, having in mind individual limitations and idiosyncrasies of mind and body, would we order punishment; order it with the same good will, but with as little apology as would a surgeon offer for the incision of his life-saving knife into offending flesh.

Viewed in this catholic and proper sense, prison discipline inflicted in a paternal spirit, as a last resort for purely remedial purposes, is as necessary to discipline of body and mind as any other namable educational feature.

We may not run a free community short of reams of legal prescriptions and restrictions, certain and numberless violations of which entail the most onerous punishment visited upon man,—deprivation of liberty. Why then play one end of our penal system against the other? Why bring pressure to bear to educate criminals into the belief, that however necessary OUT of prison, punishment IN prison is nearly always ill advised? Why school them to the habit of shifting responsibility for their acts, and to pose as innocents, injured by agents of the law? Why thus appreciab-

ly block both legal and penal machinery? Why not, instead, mould their minds and incline their hearts to rational subjective and objective consideration of the law of consequence? Why not, forsooth, when there is no such thing on earth as vicarious atonement for sin? A man's wrong deed is his very own; enters into the weave of his life and character; cannot be transferred and may not be palliated other than through the death of it at his own hands,—by the grace of Almighty God.

We cheat ourselves, we cheat unfortunate fallen men, hold the majority cheaper and make the minority of them meaner than they are, in attempt to patronize away their faults. In effect, we add to natural and acquired burdens, attach the stamp of authority to oblique reasoning and impulse, and render far more difficult the most complex problem given man to solve.

“I'll take the blame,” is an expression that frequently passes the lips of prisoners. Thereby they would convey to our minds thoughts of generous, not to say noble self-sacrifice. Not at all, we find, if we intelligently probe for motive. We have noted isolated exceptions, but the rule is, that such expressions carry nothing more virtuous than attempted criminal cunning, designed to

further felonious comaraderie and mask the play of those *PARTICEPS CRIMINIS*.

There is a sentimental or emotional side to reform effort,—pronouncedly there is. No disciplinary officer of heart and brain fails in attempt to engender, or to get in touch with genuine expression of the infinite in man. Conversely, it is one of his first and most important duties to identify spurious counterfeits of such expressions, and to remove from them the mantle of fraud. Even so, we should lead a man to see himself as he ought to be, and not as he appears to us.

The etiology of all action reduces to the history of expressed emotion. Woe unto us then, and woe unto the great work of reform, if we suggest wrong lines of thought and action to men defectively equipped; particularly, to those given to negative discrimination and indulgence of evil.

As to specific methods of discipline we say with Pope:—"For forms of government let fools contest; whate're is best administered is best." Reasonable support of highest directing heads understood, any rational system of discipline will properly express itself at the hands of competent agents, just as does any one of a half dozen makes of pianos, each differentiated from the others in

some important way. In any case, the tone quality must be pure, just as the chief disciplinarian must be a man who earnestly believes as did Emerson that, as "The world globes itself in a drop of dew," and "The true doctrine of Omnipresence is, that God reappears with all his parts in every moss and cobweb",—so, a kindly, courageous word spoken with conviction from the heart, may go far to induce a prisoner to indulge healthy introspection, which process is generally the first and most reliable manifestation of desired reformation.

CHAPTER XIV.

SUMMARY.

(1) Let us spend less time battling over relatively technical fragments of crime motive, and instead, assist in wise solution of vitally important sociological questions relating to the broad question of reform,—social and prison. (1) Rights and limitations of labor and capital. (2) Ethical, while practical regulation, or restriction

of immigration. (3) Registration and complete biographical record of aliens over ten years of age. (4) Citizenship to be earned by aliens and to be made to mean something to them. (5) Establish Department of Immigration, the Secretary of the same to be a member of the President's Cabinet. (6) Appoint immigration attaches to the consular service of foreign countries from which we recruit our population, and establish in connection with the said department, a national bureau of anthropometry.

(2) A prison system of progressive stages. Classification and segregation in each institution mainly by character.

(3) Houses of reception to replace the present crime-breeding jail system. Prospective institutional officers to receive their preliminary training in such institutions and to be required to pass penological Civil Service examinations before graduated therefrom.

(4) Use of the very best material and human tools obtainable in training and educating criminals. Nutrition to fully meet demands.

(5) Pensions for worthy prison officers grown gray in the service of the state. At least, recognize such service through a balanced system

of promotion that shall not be subject to personal or political manipulation or prejudice. If there is a profession that calls for more technical and practical knowledge than an efficient prison officer must possess, we have not been so fortunate as to know its exemplars.

(6) Local affairs of reform institutions directed through heads of the same. If the heads are not good ones, remove them and substitute in their places those that are good.

(7) Give your agents standing in the minds of the prisoners, if you wish to keep the agent above the level of the prisoner's contempt.

(8) Other than for life prisoners, all sentences indeterminate under conditions hereinbefore named.

(9) Establish societies, plenty of them, whose gratuitous, Christ-like and never-evaded duty it shall be to place, have paternal regard for and supervision over paroled and discharged prisoners.

(10) Establish commonly and maintain most efficiently the country over, children's parole courts. Here, supreme efforts should be made to bend the twigs as the trees should grow.

Our object in writing this book has been to state in a very plain way what appears to us to be a very plain case. We have to beg indulgence for too frequent iteration, but have found our pen otherwise unequal to the task of demonstrating that our tendency in reform effort is to confound magnitudes. However, "Tresh the corn, then after burn the straw."



